

THE SECRETS OF AN ABORTED DECOLONISATION

THE DECLASSIFIED BRITISH SECRET
FILES ON THE SOUTHERN CAMEROONS

Carlson Anyangwe

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**The Secrets
of an Aborted Decolonisation**

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The Declassified British Secret Files
on the Southern Cameroons

Edited by
Carlson Anyangwe



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Content

Introduction	1
 Chapter One	
British Treaties with the Chiefs of Bimbia and Victoria	15
 Chapter Two	
International Colonialism and the Emergence of the Southern Cameroons Polity	29
 Chapter 3	
International Boundaries of the Southern Cameroons	49
 Chapter Four	
Legislation Establishing Courts of Justice	87
 Chapter 5	
Regulations Regarding Public Service, Plebiscite, Chiefs and House of Chiefs	167
 Chapter 6	
House of Assembly Debates: Supplementary Appropriation, Medical Reports, Firearms, 'Check off' System	233
 Chapter Seven	
House of Assembly Debates: Supplementary Estimates, Water Rate, Agency Services, Defence	291
 Chapter 8	
House of Assembly Debates: Housing, Roads, Airstrips, Water Supply, 'Federal Constitution'	345
 Chapter 9	
Constitutions of the Southern Cameroons	401

Chapter 10

Declassified Secret Files 1952, 1959	487
--	-----

Chapter Eleven

Economic Viability of the Southern Cameroons: Sir Phillipson's Report, 1959	509
--	-----

Chapter Twelve

Declassified Secret Files 1960	581
--------------------------------------	-----

Chapter Thirteen

Declassified Secret Files: 1961	677
---------------------------------------	-----

Great Britain, with its enormous and tested sea power, was the biggest colonial Power ever. At the zenith of the British Empire, a third of the world was under the British flag. But, since by the nature of things no condition is permanent the British Empire, like all other empires before it, was soon to perish. Beginning with the rebellious American colonies towards the end of the eighteenth century, the British began to retreat from one colonial territory after the other, often following an armed rebellion but sometimes following a hasty consensual arrangement.

A remarkable feature of the collapse of the British Empire is that the British departed from almost every single one of their colonial territories invariably leaving behind a messy situation and an agenda of serious problems that in most cases still haunt those territories to this day. One such territory is the Southern British Cameroons. There the British Government took the official view that the territory and its people were “expendable”, opposed for selfish economic reasons sovereign statehood for the territory in clear violation of the UN Charter and the norm of self-determination, transferred the territory (so it seemed) to a new colonial overlord (again in violation of international law) and hurriedly left the territory on 30 September 1961. The Spanish Government would later enact this same shameful scenario in the Spanish colony of the Western Sahara. Britain’s stewardship in the Southern Cameroons for close to half a century was thus in the end a dismal failure politically, economically, socially and developmentally. “The British had rather negligently administered this little patch of Africa ever since the end of the First World War, but since it was a United Nations Trust Territory there was no profit in it. The result was that the territory was undeveloped, you might say backward, even by contemporary African standards.”¹

This book is thematically divided into three broad parts. The **first part** comprises chapters 1, 2 and 3. It contains material dealing with the emergence of the Southern Cameroons in modern history and as a legal and political expression. Chapter 1 reproduces treaties concluded by Britain with Southern Cameroons coastal Kings and Chiefs. Chapter 2 reproduces

1. J Percival, *The 1961 Cameroon Plebiscite: Choice or Betrayal*, Langaa Publishers, Bamenda, 2008, p. xiii.

the instruments that brought the Southern Cameroons under international tutelage, the Mandates System of the League of Nations and then the Trusteeship System of the United Nations Organisation. Chapter 3 reproduces the boundary treaties of the Southern Cameroons, treaties defining the frontiers with Nigeria to the west and the frontier with Cameroun Republic to the east.

The **second part** runs from chapters 4 to 9, and contains material attesting to the Southern Cameroons as a fully self-governing country, ready for sovereign statehood. The material covers a broad field: legislation establishing courts of justice in the Southern Cameroons; statutory instruments regarding the public service, chiefs, the House of Chiefs, and the plebiscite; debates in the Southern Cameroons House of Assembly; and the Constitutions of the Southern Cameroons.

A little more may be said about the *Debates in the Southern Cameroons House of Assembly* reproduced here from Hansard. The *Debates* vividly bring back to life the voices and the eloquence of Southern Cameroons Members of Parliament. All of them, from both sides of the House, come through as intense, passionate, skilful and great debaters; politicians exuding confidence and feelings of camaraderie, and conducting themselves with mutual respect and democratic decency. The intensity and liveliness with which issues were debated and the great attention paid to detail are amazing, for not even a punctuation mark in a bill tabled for debate escaped these eagle-eyed Members of the House of Assembly. And yet none of them, except for one or two, had the benefit of a university education. They debated seriously, lively and with complete mastery of the subject matter at hand, time and again making jocular comments, no doubt to enliven some dull moment; but every point that was made was done in a spirit of political friendship and gentlemanly conduct. Only once did a Member of the House momentarily forget parliamentary decorum and step out of line. His speech was rightly interrupted and the Government Minister and MP at whom the unbecoming remark was addressed made an emphatic protest for the record, but in very restrained language.

There can be no doubt that the Members of the House of Assembly loved their job and their country the Southern Cameroons and that they thoroughly enjoyed themselves in Parliament. The story is told of how after a hard day's work in the House they would, in spite of their political divide, retire to the Buea Mountain Club (later, the Parliamentarians' Block of Flats) and there, over a cup of tea or a glass of drink, chat away without any inkling of the intensity with which they had just been fighting and

debating issues in the House of Assembly. They never allowed any differences that they sometimes had about official matters to intrude into their personal relations.

Apart from Tamfuh, Effiom and Lainjo who are still alive, all the other Members of the House have since crossed over. It is a fitting tribute to them that this last sitting, in September 1961, of the Southern Cameroons House of Assembly since it opened in 1954, is here reproduced in its entirety, unedited, for the reader to have the full savour of their speeches and combativeness. As one reads through the *Debates* one cannot fail to notice how these MHA took their representative mandate very seriously: the details and seriousness in the business of lawmaking; how Members of the House fought for the interest of their respective constituencies; and the very meticulous manner in which bills and motions before the House were presented, scrutinized and thoroughly debated. Take, for example, the lucid and concise presentation of the Supplementary Appropriation Bill by Hon. ST Muna, first Southern Cameroons Minister of Finance (this office was hitherto that of the Financial Secretary and was held by an Englishman) and on the job for the first time. Members of the House applauded Muna's delivery as "a very brilliant speech for his first effort." Such debate as exists in the Assembly in Cameroun Republic has not, even to this day, attained the standard and quality of debate in the Southern Cameroons House of Assembly achieved way back in the second half of the 1950s.

Honourable Nerius Mbile and Hon. Motomby-Woleta were without question gifted speakers. Both had great oratorical skills, Motomby-Woleta slightly more of it than Mbile. Both were also great parliamentary debaters, being able to think on their feet and to hold the House spellbound, as it were, for hours with their elocution, their command of the Queen's language and their in-depth knowledge of any subject before the House for debate. They had the knack of spicing their speeches with caustic comments and with references to Scripture or some literary work. Their speeches were sometimes delivered in acerbic style. Consider, for example, speeches made by Endeley, Mbile and especially Motomby-Woleta when each of them rose to speak on the motion calling upon the House to approve the action by Southern Cameroons leaders for the part they played in discussions and negotiations with Cameroun Republic for a federal system of government.

No one can fail to be moved by the elocution, passion and content of Motomby-Woleta's speech as he spoke for close to an hour. His fellow MPs acknowledged him as a "brilliant speaker". Ending his speech on that occasion Motomby-Woleta spoke tongue-in-cheek of Cameroun Republic having 'sacrificed' its beloved unitary system for a federal system

all in the name of so-called ‘unification’. He also spoke sarcastically of Ahidjo as being “hospitable to a fault” and that as proof MPs only needed to remember (evidently referring to what happened during the July bipartite meeting at Foumban) “the entertainment, the nice chop, the drinks and everything that [was] within our reach.” At this remark all the MPs laughed conspiratorially. If Motomby-Woleta had not died early at a young age (he died in early 1962 at 39) he might conceivably have played a critical role in the political evolution of the Southern Cameroons either as Prime Minister or Cabinet Minister.

In many ways the House was in advance of its time and very forward-looking. It urged Government to establish a building scheme to enable civil servants to own their own houses rather than depend entirely on Government for housing. It agreed with Government on a water rate payable by the consumer, at his option, at a flat rate or at a metre rate. It passed legislation instituting a ‘check off’ system aimed at enabling trade unions to have a secure source of funding from their members. It urged Government to embark on road building as a top priority for the development of the Southern Cameroons. It also urged Government to adopt, as a matter of policy, the decentralization of community development funds. As a complement to road development the House recommended a Government policy scheme of constructing airstrips in remote areas of the country that were inaccessible by road. The strong case made by Hon Mbile for this scheme remains valid today, half a century later.

The House did not only debate bills tabled before it. It also debated a number of political issues of the day brought to its attention: the presence of Cameroun Republic troops in the Southern Cameroons, a presence Ajebe-Sone and Rev. Ando-Seh rightly characterized as that of a foreign and unwelcome army allowed into the territory by the British; the massacre of 12 Southern Cameroons citizens at Ebubu near Tombel by Cameroun Republic forces, a slaughter that triggered loud expressions of prophetic fear regarding the expected political association with Cameroun Republic; and a motion to approve the action of Southern Cameroons leaders in securing, during negotiations with Cameroun Republic, a two-state federal system.

On this last point the motion was originally moved by the Prime Minister, JN Foncha. The House studiously allowed the motion to lapse “due to unforeseen circumstances”. But a couple of days later the motion was again moved, this time by Muna. The motion called upon the House to approve the action of Southern Cameroons leaders for the part they played in discussions and negotiations with Cameroun Republic for a federal form of political association with Cameroun Republic.

This motion, be it noted, did not call upon the House to approve the domestic law of Cameroun Republic that passed for the so-called ‘Federal Constitution’; nor did it call for a debate on that document. Any such action

would have been an exercise in futility. First, Cameroun Republic had already assumed, illegally, the exercise of sovereignty in the Southern Cameroons in two very significant ways. The document under reference was passed on 1 September 1961 as an amendment law and by the legislature of Cameroun Republic, the document specifically asserting territorial claim to the Southern Cameroons as part of the territory of Cameroun Republic. Legally, the document was therefore in the nature of an annexation law, exactly in the same way Hitler annexed Austria to Germany. Secondly, having passed an annexation law asserting claim to the territory of the Southern Cameroons, in the second half of September 1961 Cameroun Republic ordered its troops to march into the Southern Cameroons (exactly in the same, but less flamboyant, way Nazi Germany ordered its troops into Austria, Morocco its troops into Western Sahara, and Indonesia its troops into East Timor) where they then started creating havoc among the people.

The very limited objective of the motion was simply to get the House to say ‘thank you’ to Southern Cameroons leaders for securing a two-state federal system (so they thought) within which the Southern Cameroons was legitimately expected to carry on with its life pretty much as before subject to proper limitations imposed by a valid federal constitution. But the urge was just too great to take a swipe at the document before them that passed for a so-called ‘federal constitution’ and which the MPs were seeing for the first time. MPs rightly took the view that the Southern Cameroons had been ambushed by this document thrust upon them like a rabbit from a magician’s hat. They mercilessly lampooned aspects of the document. The criticisms of Motomby-Woleta and Ajebe-Sone were particularly bitter and incisive. But even that intellectual exertion was idle. One suspects that the MPs were aware of that fact but wanted to register their anger and disapproval of a document by a foreign legislature imposed by a foreign prince on the Southern Cameroons with the condonation of Britain, the trustee power in the territory. The MPs had before them a translation of the original French text and care had been taken to include within the document itself a clause boldly proclaiming the French version of the document as the authoritative text, thereby pre-emptively invalidating any claim, entitlement, assertion or criticism that might be founded on the English text.

The **third part** of this book reproduces British declassified documents on the Southern Cameroons covering the three critical years from 1959 to 1961, when the territory legitimately expected to accede to independence consistently with Article 76 b of the Charter of the United Nations, but mysteriously did not. The contents of this part of the book attest to the

inglorious stewardship of Great Britain in regard to the Southern Cameroons, a territory over which it voluntarily assumed trusteeship and an international obligation to lead to independence. The British Government's bad faith, duplicity, backstabbing, wheeling and dealing, and contempt for an innocent people is just beyond belief and defies good sense. It is important to highlight and sidelight right from the outset aspects of the British Government's chicanery and betrayal in regard to the Southern British Cameroons.

1. Britain established a so-called administrative union between the Southern Cameroons and Nigeria. But the union did not remain strictly administrative in its nature and its scope. It involved political and constitutional association between the Southern Cameroons and Nigeria. The operation of the union had the effect of creating conditions which obstructed the separate development of the Southern Cameroons in the fields of political, economic, social and educational advancement as a distinct territory. Britain's primary focus was the development of Nigeria. The Southern Cameroons was a mere after-thought. This shabby treatment of the Southern Cameroons was inconsistent with assurances given by Britain to the United Nations. It was moreover contrary to General Assembly Resolution 224 (III) of November 1948 on administrative unions, contrary to the Trusteeship Agreement, and contrary to Articles 76 b of the United Nations Charter.

2. The British Government knew very well that economic self-sufficiency has nothing to do with the issue of independence for a colonial territory. Nevertheless it went ahead to manufacture the fat lie that the Southern Cameroons was not economically viable to be a sovereign independent state and thereby fraudulently induced the UN to impose on the people of the territory a plebiscite with two dead-end alternatives, joinder to independent Nigeria or joinder to independent French Cameroun. And yet it is trite that in the law of self-determination it is the people that determine the destiny of the territory and not the territory that determines the destiny of the people.

3. The Southern Cameroons was not given all the three internationally recognized political status options to choose from. The geographical location of the Southern Cameroons cannot be an excuse for its transfer (disguised as so-called 'independence' so as to make the colonial transfer look palatable) to a successor colonialist. The fact of a dependent territory being sandwiched between two bigger neighbours does not mean that it must remain forever under colonial rule. The right of self-determination

has nothing to do with geography or money. Further, if Britain and her friends nursed fears of a communist take-over of the Southern Cameroons, as some have said, one would have thought there was no basis for that fear as there was no communist or even left-leaning political party in the Southern Cameroons. The threat of a communist take-over was real in and hung over French Cameroun which had a leftist political party determined to achieve its aim by violence if need be. In any event the source of the perceived communist threat in the Southern Cameroons was French Cameroun. One would therefore have expected that the way to protect the Southern Cameroons from that perceived threat was not to push it into the arms of a French Cameroun that was under threat of a communist take-over. The said French Cameroun should have been required to join a communist-threat-free neighbouring francophonic state such as Chad or Central African Republic and so sink itself there, thereby eliminating the communist threat. If there were genuine fears that independent Southern Cameroons was likely to fall prey to one or other of its neighbours the right thing to have done, and for which there are historical precedents, would have been to grant the territory independence with guarantees of protection by the great Powers, especially Britain and America.

4. Having appointed itself promoter and defender of Nigerian interests the British Government was determined to sink the Southern Cameroons into Nigeria at all costs. One would have thought that on this question of joinder the UN would have, unlike Britain hell-bent on acting in what it saw as Nigeria's interest, expanded its horizon beyond Nigeria and French Cameroun. But joining the other neighbour of the Southern Cameroons, the Spanish Island of Fernando Po, demographically and spatially much smaller than the Southern Cameroons, was not even contemplated. Curiously too, the UN did not even apply its mind to the integrity of the British Cameroons Territory and the possibility of its acceding to independence as a unitary territory. The UN having taken the view that the Northern British Cameroons and the Southern British Cameroons though held under a single trusteeship agreement as one trust territory consisted in fact of two disparate and disconnect territories, decided that each of those two territories constituted a distinct and separate unit of self determination. It therefore imposed separate plebiscites on the two territories, computed the results separately, came to different conclusions in Resolution 1608 in respect of the two territories, and terminated the trusteeship agreement on different dates in respect of the two territories. This position was judicially endorsed by the International Court of Justice in the *Northern Cameroons* case in which the Court proceeded on the clear understanding that Northern and Southern British Cameroons were separate and distinct units of self-determination.

5. While the generality of the people of the Southern Cameroons may have known that they were, by their vote, voting not only for independence but also for joinder to Nigeria or Cameroun Republic, as imposed on them by the UN, nevertheless they clearly did not know and were not told the implications or political consequences of joining either country. In fact the UN Plebiscite Commissioner came to the settled conclusion that although the people voted freely they did not appear to appreciate what they were called upon to vote for. In concrete terms this meant the people did not act with full knowledge of the change in their status and therefore did not make a responsible choice.

6. A clear majority of the political stakeholders in the Southern Cameroons definitely did not want 'to join' either Nigeria or Cameroun Republic. That much was clear even from the outcome of the Mamfe Conference in August 1959, clear from the Foncha-Endeley Statement at the UN calling for deferment of the plebiscite to 1962, and clear from statements by at least three political parties opposed to the imposed limited plebiscite and in favour of sovereign statehood for the Southern Cameroons. It was clear from the various views expressed by the generality of the people during the plebiscite 'enlightenment' campaign that the people did not want 'independence' if that meant forced joinder to either French Cameroun to the east or to Nigeria to the west. But the UK Government through tricks, craftiness and duplicity succeeded, with the seeming complicity of the UN, in imposing on the Southern Cameroons death by burning or by drowning; death by the fry pan or by fire.

7. The plebiscite enlightenment material denoted as 'the two alternatives', evidently prepared by the British and available for circulation as the basis of information on the plebiscite, was published literally on the eve of the plebiscite. The document contained two big lies. The first lie was the claim in the document that the Southern Cameroons would become a part of Cameroun Republic by voting to join it. There was no basis whatsoever for this claim maliciously slipped into the document by the British. The terms of the pre-plebiscite agreement between Foncha and Ahidjo did not say and, in fact, never contemplated such an eventuality. The British Government itself, speaking through its colonial Secretary, said that by voting to join Cameroun Republic the Southern Cameroons would form a two-state federal union with that country, in other words, a constitutive federation. UN Resolution 1608, adopted after the plebiscite, did not, unlike in the case of the Northern Cameroons, resolve that the Southern Cameroons would, upon joining Cameroun Republic become a part of that country. The Southern Cameroons could never have negotiated and voted to become extinct as a legal and political expression! There was nothing to gain by such action.

The second lie was the distinct impression conveyed by the very title of the document itself. The title, 'the two alternatives', was deceptive. The word 'alternative' means two or more possibilities. So why speak, pleonastically, of *two alternatives*? In their struggle to throw off colonial yoke two alternative political status options are always open to colonial countries and peoples: (i) emergence as an independent sovereign state, or, and this was quite exceptional, (ii) joinder to another country in the form either of a free association, a federal union, or integration. In the case of the Southern Cameroons, however, there were in fact no alternative political status options at all. The UN withheld the political status alternative of independence and imposed on the Southern Cameroons joinder to either Nigerian or French Cameroun; and, to further confound matters the UN did not even bother to explain what it meant by the term 'to join', that is, the form of joinder it had in contemplation. The Southern Cameroons was thus required, willy-nilly, to join, albeit with a choice as between two neighbouring countries.

What was presented to the people was a choice between two countries and not an option as between alternative political status as required by the law on decolonization. It would be recalled that the Southern Cameroons had fought for and secured in 1954 the status of a separate unit within Nigeria, and in 1960 seceded from that country. What sense did it make for the UK or the UN to require the Southern Cameroons to return to a country from which it had just escaped? French Cameroun was a land awash with blood and terror and over the head of which a serious communist threat hung like the sword of Damocles. What sense did it make for the UN to require the Southern Cameroons to join that country? Either way it was death. Given these facts how can it be said that the UK Government and the UN meant well for or acted in the best interest of the people of the Southern Cameroons?

8. The UK and the UN have always peddled the myth that the people of the Southern Cameroons reached a decision on their own future. The fact of the matter is that they did not. The UN and the UK decided, God-like, that the future of the people of the Southern Cameroons must be that of an eternally colonized people, provided that the new colonial authority in the territory is Nigerian or Cameroun Republic. That decision was then imposed on the Southern Cameroons, the people being invited, perniciously, to choose between either of those two willing would-be colonial authorities.

9. Even assuming that the people of the Southern Cameroons did decide positively to join Cameroun Republic, it was the responsibility of the UN and the UK to oversee the proper and smooth process of joining so as to

ensure that the relationship between the two parties did not then or subsequently degenerate into that of master and servant. They failed to do so. In fact, the UK Government employed its possible best to ensure that the Southern Cameroons was crippled; and it proceeded to hand over the territory to independent French Cameroun exactly as a slave master hands over a slave to a slave buyer. This was utterly disgraceful, to say the least.

10. Right to the very end the Southern Cameroons and independent French Cameroun had diametrically opposed understanding of what UN Resolution 1608 actually meant: the Southern Cameroons understood it to mean both countries were to come together in a free political association that would take an enduring federal form and character; independent French Cameroun claimed the resolution authorized it to grab the Southern Cameroons as part and parcel of its territory (which is why it voted against UN Resolution 1608 endorsing Southern Cameroons' affirmative vote at the plebiscite for independence). The UK Government and the UN maintained a studied silence on the meaning of that resolution.

11. During the trusteeship the exercise of colonial sovereignty was vested in Britain as the trustee power, subject, of course, to supervision by and the concomitant obligation of accountability to the United Nations in which the residuary colonial sovereignty was considered to be vested. As the UN's scheduled date of termination of trusteeship approached the Southern Cameroons stated its opposition to any move by Britain to vest in Cameroun Republic the exercise of any act of sovereignty in the Southern Cameroons. The Southern Cameroons pointed to the terms of the agreement on a federal form of association reached between the two countries and in terms of which sovereignty over both countries was to vest in an organization representing the nascent Federation. But Britain went behind the back of the Southern Cameroons and in the words of Hon. Hugh Frazer, Under Secretary of State for the Colonies "the Southern Cameroons was transferred to Mr Ahidjo" of Cameroun Republic. Further, the Southern Cameroons was also opposed to Cameroun Republic troops moving into the Southern Cameroons, describing such an eventuality as tantamount to "a foreign army of occupation taking control of the territory." By mid-September 1961, however, the British, who were still responsible for the defence of and security in the territory, allowed those Cameroun Republic troops with their incurable bad habits to march into and occupy the Southern Cameroons.

12. What was the role of the UK Government during, immediately before and after the plebiscite? Since the UK Government declined to assist the Southern Cameroons in its negotiations with Cameroun Republic one would

have thought that it would leave the Southern Cameroons to proceed with the negotiations and to act as it saw fit, consistently with the right of self-determination and having regard to its interests and future. The UK Government was still responsible for matters relating to the territory's foreign affairs. Strangely, not only did it refuse to assist the Southern Cameroons in its negotiations with Cameroun Republic that was assisted throughout by the French Government; the UK Government actually went out of its way to obstruct every negotiation effort by the Southern Cameroons.

13. The UK Government was more of an obstructionist than a helper in the Southern Cameroons' quest for freedom. Had the UK not always put obstacles in the way of the Southern Cameroons there can be no doubt that the territory would have emerged into sovereign statehood.

14. The UK Government tied Foncha's hands and consistently punched him like a boxer his punching bag. As if it was not enough to tie a man's two hands and then to proceed to rain blows on him, the UK Government acted on France's admonition that Foncha should be further tightly gagged. And then the two Governments rained blows on him.

15. Throughout the Southern Cameroons independence saga the UK Government proved itself to be master at crafty evasions, duplicity, obfuscation, prevarication and political manoeuvring in relation to the Southern Cameroons question. After the UN vote in April 1961, Sir Andrew Cohen, UK's Representative at the UN, and Mr Johnston, UK's Ambassador to Cameroun Republic, both disappeared from the scene and were never heard of again. Cohen must have left satisfied he had accomplished the '*dirty job*' he was assigned in regard to the Southern Cameroons. One also hopes he died satisfied with his contribution to inflicting enormous pain and suffering on others.

16. After the plebiscite the conduct of the UK, France and Cameroun Republic regarding the Southern Cameroons was as though after the vote on 11 February 1961 the Southern Cameroons came under the joint colonial administration of those countries. For example, France freely meddled in the affairs of the Southern Cameroons, even insisting to the British that Foncha, the Southern Cameroons Prime Minister, should not be given much rein. Cameroun Republic performed acts of sovereignty in the Southern Cameroons: it enacted on 1 September 1961 what was in effect an annexation law but disguised as a 'federal constitution'; it moved its army into and occupied the Southern Cameroons in mid-September; it purported to tell the Government of the Southern Cameroons what it

should or should not do, as when it said it was not going to authorize the Government of the Southern Cameroons sending Muna and Jua abroad in August/September 1961 to seek economic assistance and security arrangements to help maintain law and order in the Southern Cameroons.

17. The UK Government's whole design, towards which she moved ruthlessly and relentlessly, was to so cripple the Southern Cameroons Government as to make sure it submits to annexation and colonial take over and in a most humiliating and dehumanizing fashion: the sudden massive pull out of British expatriate staff so as to make sure the territory was deprived of the much-needed experienced staff to help run a viable government in the Southern Cameroons at least for a couple of years; denial of any form of security arrangement, not even a police force, to ensure public safety and protection of life and property; denial of money assistance to help run a government at least in the first year or so of 'decolonisation'.

It is well to remember that the British did not discharge themselves creditably as far as the human resource and infrastructural development of the Southern Cameroons was concerned. Even the development of political institutions had been tardy and haphazard (the Southern Cameroons being administered as part of Nigeria right up to 30 September 1960). "A parsimonious British administration," observed one author, "had chosen to run the Southern Cameroons as part of eastern Nigeria, using existing traditional rulers to run local government, but reserving real power in the hands of a very small number of British and Nigerian officials."² Moreover, "All the real problems for local politicians derived from the fact that there were simply not enough of them with sufficient experience to do the job properly. And that in turn was a direct result of a niggardly British administration, which had failed to provide the educational and political opportunities that were much more readily available in wealthier countries, such as Ghana and Nigeria. A small United Nations Trust Territory with few resources had just not been worth the expense of development."³

18. Right to the very end the British Government failed to act in good faith in regard to the Southern Cameroons independence question as required by the Trusteeship Agreement and the UN Charter.

2. J Percival, op. cit. p.42.

3. Ibid., p.78.

19. Much has been said of the draft constitution presented by Foncha at the Bamenda Conference in 1961 after the plebiscite. It is often forgotten that the draft corresponded to what Foncha campaigned on during the plebiscite and which gave him victory. The draft was also consistent with the outline of the proposed federal constitution to which Ahidjo committed his government and country. The vote of the people of the Southern Cameroons for political association with Cameroon Republic was on the basis of that outline of the proposed draft federal constitution. Politically, Foncha could not therefore have been expected to table at Bamenda a different draft constitution as that would have meant a betrayal of or fraud on the vote. Ahidjo and his government were contractually bound to go along with that draft. Ahidjo could not, after the vote, impose a 'constitution' completely out of character from what the people of the Southern Cameroons had voted for at the plebiscite on 11 February 1961.

20. The attitude of Cameroun Republic, the UK and France in pressurizing Foncha to accept Ahidjo's *diktat* was perfidy of the highest order. Ahidjo and his French sponsors were the ones who should have been called upon to conduct themselves in good faith by sticking to the pre-plebiscite constitutional terms voluntarily subscribed to by Cameroun Republic.

The material in this volume consists of official documents from British colonial files in the Public Records Office and United Nations material from UN websites or publications. The British colonial documents were of course type-written using the ribbon type-writer of those days. Some passages and even entire pages have therefore succumbed to the passage of time, becoming blurred and therefore readable only with a magnifying glass or undecipherable or lost altogether. Since the documents could not be reproduced in scanned form they have had to be retyped on computer. The exercise proved tedious but exciting. Here and there I have commented on the contents of a number of documents by way of a 'note' or an 'observation' appended at the foot of each such document.

The material in this volume proves conclusively that the people of the Southern Cameroons were cheated out of their birth right, the right to sovereign statehood. For, the documents attest to the political status of the Southern Cameroons as a state in *statu nascendi* and thus entitled to sovereign statehood. The declassified documents also prove conclusively that the UK Government breached its international obligation to act in good faith and in the best interest of the people of the Southern Cameroons over whom it had voluntarily assumed a trust to lead to

independence. This volume puts to rest any Thomas-like doubt as to the legitimacy, lawfulness and righteousness of the Southern Cameroons' entitlement to sovereign statehood.

Carlson Anyangwe
Pretoria & Mthatha
Republic of South Africa
6 November 2009.

Chapter One

British Treaties with the Chiefs of Bimbia and Victoria

British Treaties with the King and Chiefs of Bimbia

TREATY with King William and the Chiefs of Bimbia
Signed at King William's Town, February 17, 1844

LIEUTENANT EDWARD CHARLES EARLE, Commander of Her Britannic Majesty's brig 'Rapid', on the part of Her Majesty the Queen of England, and the Chiefs of Bimbia and of the neighbourhood, on the part of themselves and of their country, have agreed upon the following Articles and conditions:

ART. I. The export of slaves to foreign countries is forever abolished in the territories of the Chiefs of Bimbia; and the Chiefs of Bimbia engage to make and proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country. And the Chiefs of Bimbia promise to inflict a severe punishment on any person who shall break this law.

ART. II. No European, or other person whatever, shall be permitted to reside within the territories of the Chiefs of Bimbia, for the purpose of carrying on in any way the Traffic in Slaves; and no house, or stores, or buildings of any kind whatever, shall be erected for the purpose of Slave Trade within the territories of the Chiefs of Bimbia.

ART. III. The Queen of Great Britain, to show her friendship for the Chiefs of Bimbia, and because they have made this Agreement, engages to give goods to the value of 1200 dollars.

ART. IV. If at any time it shall appear that Slave Trade has been carried on through or from the territories of the Chiefs of Bimbia, the Slave Trade may be put down by Great Britain by force upon that territory, and British officers may seize the boats of Bimbia, found anywhere carrying on the Slave Trade; and the Chiefs of Bimbia will subject themselves to a severe act of displeasure on the part of the Queen of England.

ART. V. The subjects of the Queen of England may always trade freely with the people of Bimbia in every article they may wish to buy and sell, in all the places and ports within the territories of the Chiefs of Bimbia, and throughout the whole of their dominions; and the Chiefs of Bimbia pledge themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England.

Done at King William's Town, Bimbia, this 17th day of February, 1844.

E. EARLE, their
Lieutenant, Commander of H.M. brig 'Rapid' WILLIAM X
King of Bimbia

Witness, PRINCE GEORGE, X
W. MAITLAND DICK MERCHANT, X
Assistant Surgeon, H.M. brig 'Rapid' DICKE MERCHANT, X
JOHN BIMBIA, X
OLD AMBIA, X
Chiefs of Bimbia marks

The Treaty above mentioned, entered into between Lieutenant Earle, R.N., of Her Majesty's brig 'Rapid', on the part of Her Majesty the Queen of England, and King William of Bimbia, is hereby ratified and confirmed.

At the King's House, Bimbia, this 24th day of February, 1846.

Signed in the presence of his
JOHN BECROFT KING WILLIAM X
J.B. KING
ISAAC J. WARNER

ENGAGEMENT of the King and Chiefs of Bimbia
Signed at King William's Town, March 31, 1848

KING WILLIAM, and the Chiefs of Bimbia, do solemnly promise to do away with the abominable, inhuman, and un-Christian like custom of sacrificing Human Lives on the death of any of their Chiefs, or on account of their superstitious practices.

Dated at William's Town, Bimbia, this 31st day of March, 1848.

In the presence of:

KING WILLIAM (his X mark)

PRINCE WILLIAM (his X mark)

QUAN (his X mark)

NACCO (his X mark)

DICK (his X mark)

YOUNG AMBIE (his X mark)

DICK MERCHANT (his X mark)

DUKE MERCHANT (his X mark)

JOHN BIMBIA (his X mark)

THOS. RODNEY EDEN, Captain of H.M. Ship 'Amphitrite'

GEORGE WALKER, Senior Lieutenant of H.M. ship 'Amphitrite'

JOHN BEECROFT, Governor of Fernando Po

JOSEPH MERRICK, Missionary at Bimbia

HENRY ROSS SANDERS, Midshipman of H.M. ship 'Amphitrite'

W.J. STORUS, Clerk of H.M. ship 'Amphitrite'

TREATY with the King and Chiefs of Bimbia.

Nicholls Island, December 19, 1850

A CONFERENCE held on Nicholls Island, this 19th day of December, 1850, before John Beecroft, Esquire, Her Britannic Majesty's Consul, and Lieutenant Norman Bedingfeld, on the one part, and King William and Chiefs of Bimbai, on the other part.

ART. I. That all old palaver are considered to be settled up to this date, and cannot be again brought up, to the detriment of trade.

ART. II. That in the event of any misunderstanding between any agent or supercargo and the Kings or traders of the river, such agent or supercargo shall be at liberty to go ashore free of molestation, and with the Kings, Chiefs, and traders, and settle peaceably any dispute.

ART. III. Any vessel arriving in the river for the purpose of trading shall pay the usual comey to the King or headman, at the beach where his cask-house is situated; and no other King, Chief, headman, or trader, is entitled to demand under any pretence any other comey, custom, or tax whatever.

ART. IV. That, after the usual payment of the King or headman for the use of the cask-house, if any agent or supercargo can prove that this cask-house has been illegally entered or broken into, any property stolen therefrom, by any of the natives, the said King or headman be held responsible for the loss.

ART. V. That any King or Chief attempting or threatening to stop the trade of any agent or supercargo, after the usual comey has been paid or tendered for the privilege of trading, such King, Chief, or trader, be held responsible for such stoppage.

ART. VI. That any person acting as pilot shall receive as compensation the value of a crew for every 3 feet of the vessel's draught.

ART. VII. That any aggressions or depredations committed upon the property or persons of British subjects shall be satisfactorily adjusted by the King and Chiefs.

ART. VIII. That the regulations long existing made by the natives respecting intentionally watering or fermenting oil should still be in force.

ART. IX. That as the practice of stopping canoes has been exceedingly detrimental to trade, for the future all disputes of the kind between the natives themselves shall be adjusted by the Kings and Chiefs assembled, their decision to be final; and under no pretence whatever shall any boat or canoe arriving from any place adjacent, be molested or stopped, or her crew detained.

ART. X. That any servants, male or female, running from the town they belong to any other, the King or headman of such town is bound to apprehend and send back such fugitive within 48 hours from the time of his being made acquainted with the circumstance.

ART. XI. And be it further enacted, That for any breach of any one Article of this Treaty, the person or persons so offending to be liable to the penalty of 5 puncheons, equal to 80 crews, of saleable palm-oil.

ART. XII. In the event of any offender attempting to evade the penalty, or committing himself as a trader, so that it should be considered necessary to prevent his trading, notice is to be given to each ship coming in the river, and the master or supercargo trading with such person after having received the above notice, to be liable to the penalty of 100 crews.

Signed in our presence, this 19th day of December, 1850, at Nicholls Island.

JOHN BEECROFT NORMAN BEDINGFELD
King William John Bimbey
Nacco Young Ambey
Dick Merchant Tom Bimbey
Duke Merchant

*Engagement of the Chiefs of Boobee, and King and Chiefs of Bimbia,
February 7, 1855*

(1) Engagement of the Chiefs of Boobee

WE, the undersigned Chiefs and inhabitants of the Boobee Islands, adjacent to the Amboise Islands, do hereby acknowledge King William, of Bimbia, as the rightful king and ruler of all the mainland and islands extending from Bimbia to Rumby; and further, we hereby acknowledge ourselves to be his lawful subjects; and we hereby promise, that in future we will obey him in any orders he may send or give us.

That the late dispute we have had with the people of Bimbia be considered as finally settled.

We also promise to conduct ourselves as good and faithful subjects, under the penalty of incurring the displeasure of Her Britannic Majesty's Government.

Given under our hands, on board Her Britannic Majesty's steam-vessel 'Antelope', this 7th day of February, 1855.

MAHOUA, King, Head Chief MOUTOUT, Second Chief

Signed in our presence:

J.W.B. LYNLAGER, Her Britannic Majesty's Acting Consul
C.H. YOUNG, Lieutenant, Commanding Her Britannic Majesty's steam-vessel 'Antelope'
THOS. M. SIMPSON, Secretary to Her Britannic Majesty's Consul

(2) Engagement of the King and Chiefs of Bimbia

WE, the undersigned King and Chiefs of Bimbia do hereby promise that, in future, we will in no way or manner whatever molest the inhabitants of the Islands of Boobee, adjacent to the Amboise Islands.

That all disturbances which have recently taken place be considered as finally settled with the Boobee people.

Any further palavers are to be referred to Her Britannic Majesty's Consul at Fernando Po, should no amicable arrangement be come to.

Given under our hands, on board Her Majesty's steam-vessel 'Antelope', this 7th February, 1855.

KING WILLIAM DICK MERCHANT HARRY KING WILLIAM
DICK BIMBIA NACCO

Signed in our presence:

J.W.B. LYNLAGER, Her Britannic Majesty's Acting Consul

J.F. JOHNSON, Second Master, Her Majesty's steam-vessel 'Antelope'

THOS. M. SIMPSON, Secretary to Her Britannic Majesty's Consul

*AGREEMENT with Dikolo Town, Bimbia River. Outrages on Missionaries.
February 28, 1862*

MOKUNDO, popularly known as Dick Merchant, Chief of Dikolo Town, Bimbia River, and four of his principal Chiefs, consented, on the 28th of February, 1862, to the following 4 Articles proposed to them, at their Town of Dikolo, by Richard Francis Burton, Her Britannic Majesty's Consul for the Bights of Biafra and Fernando Po;

ART. I. Dick Merchant and his Chiefs hereby agree to abstain from the outrages lately committed on the missionaries.

ART. II. Dick Merchant and his Chiefs hereby agree to pay within a reasonable time the bullocks, sheep, goats, &c., stolen from the missionaries.

ART. III. Dick Merchant and his Chiefs agree to make the most ample apology for the insult offered to us.

ART. IV. Dick Merchant and his Chiefs agree to pay a fine of 12 goats, or an equivalent, to be paid within an hour.

RICHD. F. BURTON, H.M.'s Consul, Fernando Po
J. LAISNE PERRY, Commander, H.M.S. 'Griffon'

Their

X DICK MERCHANT X YOUNG MERCHANT

X SAMPSON DICK X SCOTT DICK

X GEORGE DICK marks
marks

Note

The Anglo-Bimbia treaties are reproduced from SG Ardener, *Eye-Witnesses to the Annexation of Cameroon 1883-1887*, Government Press, Buea, 1968, pp. 63-69. These treaties can also be found in Hertslet's *Commercial Treaties*.

British Treaties with the King and Chiefs of Victoria, Ambas Bay

*Purchase of Victoria by the Baptist Missionary Society from King William
Copy of Deed of Purchase of Victoria District, West Africa*

Know all men,

I William, Chief and known King of Isubu, and sole and lawful owner of a district contiguous to Isubu and known as War Bay and Amboise Bay and Islands belonging thereto, and known to natives as Foo Bay and [blank] Bay – and the Islands of Mondori, Ndami and Bobia.

I William, Chief and King of Isubu now in the presence of these the chiefs, and principal men of Isubu do hereby declare my sole right and title to the district above specified and I do in the presence of these the heads and principal men of Isubu declare and by this act do make known that I this day make over and give unto Alfred Saker of Caameroons and of 33 Moorgate Street in the City of London, to his heir, executors and assigns all my right and title to the sovereignty and possession of the district herein specified:

That is, First a coast line beginning at War Bay and from a small stream issuing from Albert Hills and entering the bay about its centre, thence continuing and embracing an headland known as Monanga, and then entering Amboise Bay and continuing and embracing Foo Bay and thence onwards to the High lands beyond the Islands of Bobia. Second, the interior line of this district shall be from the stream in War Bay onward NE. about 10 miles and then N.W. to join another line N.E. from High lands beyond Bobia. Third, This district together with all that appertains thereto – the Waters, Trees, Bays, Islands, and everything thereto belonging I do this day make over and give unto Alfred Saker aforesaid his heir, executors, and assigns for ever for the consideration herewith annexed.

And I do hereby acknowledged to have received this day a note of hand and demand for payment of the considerations annexed as follows:

1. A promise of Goods value £50 – within one month from the day of possession
2. A promise of Goods value £150 within the 12 months following
3. A promise of Goods value of £1800 to be paid within the succeeding three years.

In confirmation of this and in the presence of the aforesaid chiefs I do hereby affix my name and mark this Twenty-third day of August, One Thousand Eight Hundred and Fifty Eight.

(Signed) William X King

(Signed) Joseph Fuller}
Nakko} Witnesses

We the Chiefs and Principal men of Isubu do hereby acknowledge that William is the lawful possessor of district herein transferred and that this transfer is made in our presence.

(Signed) Duke Merchant
Nakko
Duke Bimbia

Bimbia, August 6th 1862

I William King and Chief of Isubu do this day acknowledge to have received from Alfred Saker the possession of a New House, built by him, as the completion of the consideration money agreed to be paid by him, for the territory and district known as Amboise Bay.

William X King

Witness: E.J. Peacock

Note

This Deed of Purchase of Victoria is reproduced from SG Ardener, *Eye-Witness to the Annexation of Cameroon 1883-1887*, Government Press, Buea, 1968, p. 53.

Bimbia placed under German protection – July 1884

On the 12th July, 1884, a German Protectorate was proclaimed over the whole of the Cameroons [i.e., the Duala mudflat] District, and on the 15th October the same year, the following official communication was made by the German Government to the principal Powers of Europe and to the United States Government, notifying the exact extent of territory on the West and South-West Coasts of Africa which had been placed under the protection of the German Empire:-

Baron von Plessen to Earl Granville
German Embassy, 15th October 1884
(Translation)

“The Government of His Majesty the Emperor, with a view to ensure more effectually German commercial interests on the West Coast of Africa, has taken certain districts of this coast under its protection. This has been effected in virtue of Treaties which have been in part concluded by Dr. Nachtigal, the Consul-General dispatched to West Africa, with independent Chiefs, and partly in virtue of applications for protection made by Imperial subjects, who have acquired certain tracts by covenants with independent Chiefs.

Accordingly, the Togo tract, with the harbours of Lome and Bageida, *the districts of Bimbia, with the Isle of Nicol*, Cameroons, Maliba, to its northern extremity, Little Batanga, Plantation, and Criby, on the Slave Coast, and

the tract of coastland between Cape Frio and the Orange River, with the exception of Valvisch (Walfish) Bay, in South-West Africa, have been placed under the protection of His Majesty the Emperor. This has been notified by hoisting the Imperial military standard and planting frontier poles, and the engagement at the same time announced that all demonstrable existing rights of third parties are to be respected.”

Note

This German official communication and the British Notification below are reproduced from Sir E. Hertslet, *The Map of Africa by Treaty*, 1967, No. 212. – Notes on German Protectorates on the West Coast of Africa, 1884-1890.

Britain assumes sovereignty over Victoria, Ambas Bay – July 19th, 1884

On the 19th July, 1884, a British Notification was issued announcing the assumption of British sovereignty over Ambas Bay.

NOTIFICATION of the assumption of British Sovereignty over the Settlement of Victoria at Amboises or Ambas Bay – July 19, 1884

I, EDWARD HYDE HEWETT, Her Britannic majesty’s Consul for the Bights of Benin and Biafra, do hereby notify to all whom it may concern that, in compliance with the wishes of the inhabitants, the territory which has long been in the possession and occupation of certain British subjects, viz., the Baptist Missionary Society, at Amboises bay, constituting the settlement of Victoria, has now been taken over by Her Majesty the Queen of Great Britain and Ireland, and forms an integral part of her dominions.

Given under my hand on board Her Britannic Majesty’s ship *Opal*, anchored in Amboises Bay, this 19th day of July, 1884.

EDWARD HYDE HEWETT

Treaties with Batoki and neighbouring chiefdoms

PRELIMINARY TREATY with Chiefs of Batoki – August 28, 1884

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., and the Chiefs of Batoki, being desirous of maintaining and strengthening the relations of peace and friendship which have so long existed between them;

Her Britannic Majesty has named and appointed E.H. Hewett, Esq., her Consul for the Bights of Benin and Biafra, to conclude a treaty for this purpose.

Lieutenant Arthur Furlonger, commanding Her Britannic Majesty's ship *Forward*, having due authority from the said E.H. Hewett, Esq., for and on behalf of Her Majesty the Queen of the United Kingdom of Great Britain, &c., and the said Chiefs of Batoki, have agreed upon and concluded the following Articles:-

ART. I. Her Majesty the Queen of Great Britain and Ireland, &c., in compliance with the requests of the Chiefs, and the people of Batoki hereby undertakes to extend to them, and to the territory under their authority and jurisdiction, her gracious favour and protection.

ART. II. The Chiefs of Batoki agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty's Government.

ART. III. This Preliminary Treaty shall come into operation from the date of its signature.

Done in duplicate this 28th day of August, 1884, at Batoki.

Furlonger, Lieutenant in command, Her Majesty's ship *Forward*

Their

X Chief MAWONGEH

X Chief MOCACEH

X Chief MASOKEH

Marks

Witnesses

R.M. PEARSON, Assistant Paymaster in charge, Her Majesty's ship *Forward*

His JOSEPH WILSON, Interpreter
X AMONACO, ditto
Mark

Note

After signing the treaty with Batoki Lt Furlonger actively pursued his treaty-making mandate. Within ten days, from 28th August to 7th September 1884 he concluded about a dozen treaties with the local coastal chiefs. SG Ardener notes: “On the same day (28th August) Furlonger also signed a similar treaty with ‘M. Stefan Szole [Szolc] Rogozinski and the King and Chiefs of Bota’, Rogozinski signing as a Lieutenant in the Imperial Russian Navy, and the Chiefs being King George and Chief Molende. Rogozinski presumably as speaks in this strange position alongside the chiefs because of an alleged purchase of land there (for the sum of £55). On August, 29th, Furlonger concluded 3 preliminary treaties: with Chiefs Esundge, Mbenge and Mbombe of Isobe, with King Moliba and Chiefs Essoole and Manju of ‘Ndgondge’, and with King Ngande and Chief Malibeh of ‘Bakingi’. On 30th August he made a treaty with King Bifongi and Chief Basenge of Bibundi; on August 31st, with Chiefs Muya and Eyew of Betika Ngang, and also with Chiefs Duala, Ngolla Mokonye and Ngale Maendo of Betika Madali. The following day he concluded 4 treaties; with Chiefs Ndgoku Manene and Mokoke of Luunya, with Chief Ngumeh of Jandgi Kolleh, and also with Chief Ekerenge of Likundu, and with Chiefs Mokole and Uonge of Mobande. Five days later, on 6th September he concluded a treaty with Chiefs Moe and Mulumba of Ba Musso, and the following day with Chiefs Asave Mokoniech, Mesembe Musongo and Molenda Micolle of Eyenda.”

*Exchange of Notes between Great Britain and Germany in respect of Victoria,
Ambas Bay, April – May 1885*

*Earl Granville to Count Münster
Foreign Office, 29th April, 1885.*

M. l’Ambassadeur,

In my note of the 19th ultimo, I had the honour to forward to your Excellency the draft of a Memorandum of Agreement for separating and defining the spheres of action of Great Britain and Germany in those parts of Africa where the Colonial interests of the two countries might conflict. In the subsequent negotiations it has been notified that the German Government

accept the proposed Agreement with certain modifications. I am consequently now in a position to state that Her Majesty's Government are prepared, on receiving the assent of the German Government, formally to adhere to the following Arrangement. ...

Both Powers agree to withdraw any Protectorates already established within the limits thus assigned to the other, a reservation being specially made as to the settlement of Victoria, Amba Bay, which will continue to be a British Possession. ...

I have, &c.

GRANVILLE

Earl Granville to Count Münster

Foreign Office, 29th April, 1885

M. l'Ambassadeur,

Your Excellency is aware that, in the Agreement for defining the limits of the territorial jurisdiction of Great Britain and Germany on the West Coast of Africa in the neighbourhood of the Cameroons, which I proposed to Count Herbert Bismarck, and of which I am today requesting the formal acceptance of the German Government, I made an express exception as regards Amba Bay, on account of the rights there of a settlement of Baptist missionaries whom Her Majesty's Government could not undertake to transfer against their will to German jurisdiction.

I stated, however, at the time, and I have the authority of the Secretary of State for the Colonies to repeat, that if the German Government should be able themselves to come to a satisfactory arrangement with the missionaries, there being no political necessity involved, the difficulty as to the cession of Amba Bay would disappear, and Her Majesty's Government would be ready to its being included in the territories to be placed, in accordance with the arrangement, under German protection.

I have, &c.

GRANVILLE

Count Münster to Earl Granville

German Embassy, London, 7th May, 1885

(Translation)

My Lord,

In your note of the 29th ultimo on the subject of the definition of the spheres of British influence of Germany and England in the Gulf of Guinea, it is stated that the Settlement of Victoria, Ambas Bay, remains for the present a British possession.

By your note of the same day with reference to the negotiations which have taken place relative to the cession of Ambas Bay, your Excellency has, however, in conjunction with the Secretary of State for the Colonies, repeated the assurance given to Count Bismarck that the cession of Ambas Bay presents no political difficulties, and that the English Government would agree to it as soon as the German Government could come to an understanding with the English Mission Society.

In acknowledging the receipt of this communication, and taking note of the understanding of the two Governments with regards to its contents, I take the opportunity of, &c.

MUNSTER

Note

This Exchange of Notes is reproduced from Herslet, op. cit., No. 260. Eventually, the Settlement of Victoria and the surrounding areas, including of course its hinterland, were transferred to the sovereignty of Germany on the 28th of March 1887 and the area became part of the contiguous German Protectorate of Kamerun proclaimed three years earlier.

Chapter Two

International Colonialism and the Emergence of the Southern Cameroons Polity

The League of Nations

Covenant of the League of Nations:

Article 22 (1) To those colonies and territories which as a consequence of the last war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

Mandate Agreement for the British Cameroons:

The Council of the League of Nations,

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein the Cameroons; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations ...

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer in accordance with Article 22 of the Covenant of the League of Nations that part of the Cameroons lying to the west of the line agreed upon in the Declaration of July 10th, 1919, referred to in Article 1, should be conferred upon His Britannic Majesty; and

Whereas the Governments of France and Great Britain have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Confirming the said mandate, defines its terms as follows:

Article 1

The territory for which a mandate is conferred upon His Britannic Majesty comprises that part of the Cameroons which lies to the west of the line laid down in the Declaration signed on July 10th, 1919, of which a copy is annexed hereto. This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map, Moisel 1:300,000, annexed to the Declaration, to adhere strictly to the line laid down therein. The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said Declaration. The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot; maps signed by the Commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: one of these shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government, and one by the Government of the French Republic.

[Articles 2—10 omitted]

Article 11

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 12

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation and application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

Certified true copy.

For the Secretary-General, League of Nations,
RAPPARD,
Director of the Mandates Section.

Note

This British Mandate for the Cameroons is reproduced only in part. For source of this mandate agreement, see Cmd. 1794 and 116 B.F.S.P. 817. See also the Order in Council of June 26, 1923: 117 B.F.S.P. 60—3. The Mandate incorporates the Milner—Simon Declaration of 1919 which formally carved out of the former German Kamerun two territories, British Cameroons and French Cameroun, a territorial framework confirmed by the League of Nations and reiterated by the United Nations.

Territorial Arrangement by the British regarding the mandated territory

The British Cameroons Administration Ordinance, 1924 (amended by Ordinance No. 1 of 1925, No. 13 of 1925, No. 1 of 1927, No. 13 of 1928, and No. 24 of 1929) divided the British Cameroons into the Northern Cameroons (administered as part of Northern Nigeria) and the Southern Cameroons (administered as part of Eastern Nigeria until 1954).

The Southern Cameroons remained a unitary entity within the Eastern Region of Nigeria until 1947 when the Nigeria Richardson Constitution divided it into two provinces, the Cameroons Province (consisting of Victoria, Kumba and Mamfe divisions) and the Bamenda Province (consisting of Bamenda, Wum and Nkambe divisions). In May 1953 the 13 Southern Cameroons MPs in the Eastern Nigerian House of Assembly in Enugu declared ‘benevolent neutrality’ in Nigerian politics because they were not Nigerians.

In July that year, at the London Constitutional Conference, Endeley the political leader of the territory, citing fear of Nigerian domination, demanded a separate region for the Southern Cameroons in line with its trusteeship status, a demand Britain acceded to. The division of the territory into provinces was abolished by the Nigeria Littleton Constitution,

1954, under which the Southern Cameroons became a semi-autonomous quasi-region within Nigeria. The Southern Cameroons became endowed with its own House of Assembly, Executive Council and a High Court of Justice located at Buea. From 1954 onwards the territory was once again simply known as the Southern Cameroons. But because it was not until 1958 that it became a full region Endeley's political title was Leader of Government Business. By 1958 the Southern Cameroons had quickly become an established and vibrant democracy and was referred to internationally and at the UN by the sovereign title, *Government of the Southern Cameroons*.

ORDER IN COUNCIL providing for the administration of the Nigeria Protectorate and Cameroons under British Mandate.—London, August 2, 1946

At the Court at Buckingham Palace, the 2nd day of August, 1946
PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by "The Nigeria Protectorate Orders in Council, 1922 to 1939", provision is made for the administration and government of the Protectorate of Nigeria:

And whereas on July 20, 1922, His Majesty accepted a Mandate from the League of Nations in respect of the Cameroons as defined in this Order (hereinafter referred to as "the Cameroons"):

And whereas by "The Cameroons under British Mandate Order in Council, 1923", as amended by "The Cameroons under British Mandate Order, 1932" provision is made for the administration and government of the Cameroons:

And whereas the intention has been expressed that, notwithstanding the termination of the existence of the League of Nations, the Cameroons shall continue to be administered in accordance with the obligations of the said Mandate until other arrangements have been agreed between the Mandatory Power and the United Nations:

And whereas it is expedient to make further provision for the matters aforesaid:

Now, therefore, His Majesty, by virtue and in exercise of the powers in that behalf by "The Foreign Jurisdiction Act, 1890", or otherwise in His

Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) In this Order, unless the context otherwise requires:—

“the Colony” means the Colony of Nigeria;

“the Protectorate” means the Protectorate of Nigeria as defined in this Order;

“the Cameroons” means the Cameroons under British Mandate as defined in this Order;

“Nigeria” means the Colony, the Protectorate of Nigeria and the Cameroons; “the Governor” means the Governor and Commander-in-Chief of Nigeria and includes the Officer for the time being Administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

“the existing Orders” means the orders in Council mentioned in the first schedule to this Order;

“the Gazette” means the Official Gazette of Nigeria;

“the appointed day” means the day fixed under section 2 of this Order;

“Secretary of State” means one of His Majesty’s Principal Secretaries of State.

(2) “The Interpretation Act, 1889”, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. This Order may be cited as “The Nigeria (Protectorate and Cameroons) Order in Council, 1946”, and shall come into operation on a date to be fixed by the Governor by notice in the Gazette.

3.—(1) The existing Orders are hereby revoked but without prejudice to any appointment lawfully made, or to any other thing lawfully done, thereunder.

(2) The continued operation of any law in force in the Protectorate or the Cameroons immediately before the appointed day shall not be affected by reason only of the revocation of the existing Orders.

4.—(1) The Protectorate of Nigeria consists of the territories in West Africa, excluding the Colony, which are bounded on the south by the Atlantic Ocean, on the west, north and north-east by the line of the frontier between the British and French territories, and on the east by the territories known as the Cameroons.

- (2) The Cameroons under British Mandate consists of that part of the territories known as the Cameroons in respect of which His Majesty accepted the aforesaid Mandate, namely that part thereof which lies to the west of the boundary defined by the Franco-British Declaration of July 10, 1919, and more exactly defined in the declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons which was confirmed by an exchange of notes between His Majesty's Government in the United Kingdom and the French Government of January 9, 1931.
- 5.—(1) The Protectorate shall be divided into two regions to be known as the Northern Provinces and the Southern Provinces thereof respectively; and the Southern Provinces as aforesaid shall be divided into two regions to be known as the Western Provinces and the Eastern Provinces thereof respectively.
- (2) The Governor may by Proclamation, with the approval of His Majesty signified through a Secretary of State, define, and from time to time vary, the boundaries between any two of such regions, and further may divide all or any such regions for administrative and other purposes in such manner as he may consider expedient.
- (3) Until other provision is made under this section, all boundaries existing immediately before the appointed day shall continue as if such boundaries had been defined under this section.
- 6.—(1) The portions of the Cameroons which lie to the northward, and the portions of the Cameroons which lie to the southward, of the line described in the schedule to this Order shall, subject to the provisions of the aforesaid Mandate or to the provisions of any terms of Trusteeship which may hereafter be approved by the United Nations, be administered as if they formed part of the Northern Provinces of the Protectorate and of the Southern Provinces of the Protectorate respectively.
- (2) The Governor may, by Proclamation, with the approval of a Secretary of State, vary the provisions of the second schedule to this Order.

[sections 7—9 omitted]

The First Schedule :

Existing Orders in Council making provision for the administration and government of the Protectorate of Nigeria and the Cameroons under British Mandate.

The Protectorate

1. The Nigeria Protectorate Order in Council, 1922.
2. The Nigeria Protectorate Order in Council, 1935.
3. The Nigeria Protectorate Order in Council, 1939.

The Cameroons

1. The Cameroons under British Mandate Order in Council, 1923.
2. The Cameroons under British Mandate Order, 1932.

The Second Schedule:

The line dividing the northern and southern portions of the Cameroons under British Mandate:

From boundary post 64 on the old anglo-German frontier the line follows the River Gamana upstream to the point where it is joined by the River Sama; thence up the River Sama to the point where it divides into two; thence a straight line to the highest point of Tosso Mountain; thence in a straight line eastwards to a point on the main Kentu-Bamenda road where it is crossed by an unnamed tributary of the River Akbang (Heboro on sheet E of Moisel's map on Scale 1/300,000) – the said point being marked by a cairn; thence down the stream to its junction with the River Akbang; thence the River Akbang to its junction with the River Donga; thence the River Donga to its junction with the River Mburi; thence the River Mburi southwards to its junction with an unnamed stream about one mile north of the point where the new Kumbo-Banyo road crosses the River Mburi at Nyan (alias Nton), the said point being about four miles south-east by east of Muwe; then along this unnamed stream on a general true bearing of 120° for one and a half miles to its source at a point on the new Kumbo-Banyo road, near the source of the River Mfi; thence on a true bearing of 100° for three and five-sixths miles along the crest of the mountains to the prominent peak which marks the Franco-British frontier.

Note

See 146 B.F.S.P. 298; S.R. & O. 1946 No. 1352. The Order-in-Council came into force on January 1, 1947. This boundary line was a mere internal boundary division between the Northern and the Southern parts of the British Cameroons Trust Territory. Following the incorporation of the Northern Cameroons into Nigeria this internal boundary became an international boundary separating the Southern Cameroons and Nigeria at that point.

The United Nations Organisation

Charter provisions:

Preamble

We the people of the United Nations determined ... reaffirm faith ... in the equal rights ... of nations large and small ...

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: ... to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples ...
3. To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion ...

Article 2

2. All Members ... shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of those territories are paramount, and accept as a sacred trust the obligation to promote to the utmost ... the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure ...their political, economic, social, and educational advancement ...
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions ...

Article 76

The basic objectives of the trusteeship system ... shall be:

- b. to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

Article 81

... [T]he administering authority may be one or more states of the Organization itself.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic ... shall be exercised by the General Assembly.
2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

The Trusteeship Agreement for the British Cameroons:

Whereas the Territory known as Cameroons under British Mandate and hereinafter referred to as the Territory has been administered in accordance with Article 22 of the Covenant of the League of Nations under a Mandate conferred on His Britannic Majesty; and

Whereas Article 75 of the United Nations Charter signed at San Francisco on 26th June, 1945 provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed there under by subsequent individual agreements; and

Whereas under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under Mandate; and

Whereas His Majesty has indicated his desire to place the Territory under the said international trusteeship system; and

Whereas, in accordance with Articles 75 and 77 of the said Charter the placing of a territory under the international trusteeship system is to be effected by means of a Trusteeship Agreement;

Now therefore the General Assembly of the United Nations hereby resolves to approve the following terms of trusteeship for the Territory.

Article 1

The Territory to which this Agreement applies comprises that part of the Cameroons lying to the west of the boundary defined by the Franco-British Declaration of 10th July, 1919, and more exactly defined in the declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the Cameroons under French Mandate which was confirmed by the exchange of notes between His Majesty's Government in the United Kingdom and the French Government of 9th January, 1931. This line may, however, be slightly modified by mutual agreement between His Majesty's Government in the United Kingdom and the Government of the French Republic where an examination of the localities shows that it is desirable in the interests of the inhabitants.

Article 2

His Majesty is hereby designated as Administering Authority for the Territory, the responsibility for the administration of which will be

undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

Article 3

The Administering Authority undertakes to administer the Territory in such a manner as to achieve the basic objectives of the international trusteeship system laid down in Article 76 of the United Nations Charter. The Administering Authority further undertakes to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter, and to facilitate any periodic visits to the Territory which they may deem necessary, at times to be agreed upon with the Administering Authority.

Article 4

The Administering Authority shall be responsible (a) for the peace, order, good government and defence of the Territory, and (b) for ensuring that it shall play its part in the maintenance of international peace and security.

Article 5

For the above-mentioned purposes and for all purposes of this Agreement as may be necessary, the Administering Authority:

- (a) shall have full powers of legislation, administration and jurisdiction in the Territory and shall administer it in accordance with his own laws as an integral part of his territory with such modification as may be required by local conditions and subject to the provisions of the United Nations Charter and of this Agreement;
- (b) shall be entitled to constitute the Territory into a custom, fiscal or administrative union or federation with adjacent territories under his sovereignty or control, and to establish common services between such territories and the Territory where such measures are not inconsistent with the basic objectives of the international trusteeship system and with the terms of this Agreement; and
- (c) shall be entitled to establish naval, military and air bases, to erect fortifications, to station and employ his own forces in the Territory and to take all other such measures as are in his opinion necessary for the defence of the Territory and for ensuring that

it plays its part in the maintenance of international peace and security. To this end the Administering Authority may make use of volunteer forces, facilities and assistance from the Territory in carrying out the obligations towards the Security Council undertaken in this regard by the Administering Authority, as well as for local defence and the maintenance of law and order within the Territory.

Article 6

The Administering Authority shall promote the development of free political institutions suited to the Territory. To this end the Administering Authority shall assure to the inhabitants of the Territory a progressively increasing share in the administrative and other services of the Territory; shall develop the participation of the inhabitants of the Territory in advisory and legislative bodies and in the government of the Territory, both central and local, as may be appropriate to the particular circumstances of the Territory and its people; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of the Territory in accordance with Article 76(b) of the United Nations Charter. In considering the measures to be taken under this Article the Administering Authority shall, in the interests of the inhabitants, have special regard to the provisions of Article 5(a) of this Agreement.

Article 7

The Administering Authority undertakes to apply in the Territory the provisions of any international conventions and recommendations already existing or hereafter drawn up by the United Nations or by the specialised agencies referred to in Article 57 of the Charter, which may be appropriate to the particular circumstances of the Territory, and which would conduce to the achievement of the basic objectives of the international trusteeship system.

Article 8

In framing laws relating to the holding or transfer of land and natural resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or natural resources may be transferred except between natives, save with the previous consent of the competent public authority. No real rights over native land or natural resources in favour of non-natives may be created except with the same consent.

Article 9

Subject to the provision of Article 10 of this Agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United Nations and their nationals and to this end;

- (a) shall ensure the same rights to all nationals of Members of the United Nations as to his own nationals in respect of entry into and residence in the Territory, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of property both movable and immovable, the protection of persons and property, and the exercise of professions and trades;
- (b) shall not discriminate on grounds of nationality against nationals of any Member of the United Nations in matters relating to the grant of concessions for the development of the natural resources of the Territory, and shall not grant concessions having the character of a general monopoly;
- (c) shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

The rights conferred by this Article on nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and organised in accordance with the law of any Member of the United Nations.

Article 10

Measures taken to give effect to Article 9 of this Agreement shall be subject always to the over-riding duty of the Administering Authority in accordance with Article 76 of the United Nations Charter to promote the political, economic, social and educational advancement of the inhabitants of the Territory, to carry out the other basic objectives of the international trusteeship system, and to maintain peace, order and good government. The Administering Authority shall in particular be free:

- (a) to organise essential public services and works on such terms and conditions as he thinks just;
- (b) to create monopolies of a purely fiscal character in order to provide the Territory with the fiscal resources which seem best suited to local requirements, or otherwise to serve the interests of the inhabitants of the Territory;

- (c) where the interests of the economic advancement of the inhabitants of the Territory may require it, to establish or permit to be established, for specific purposes, other monopolies or undertakings having in them an element of monopoly, under conditions of proper public control; provided that, in the selection of agencies to carry out the purposes of this paragraph, other than agencies controlled by the Government or those in which the Government participates, the Administering Authority shall not discriminate on grounds of nationality against Members of the United Nations or their nationals.

Article 11

Nothing in this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies and associations, the benefits of Article 9 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of the Territory equality of treatment with the nationals, companies and associations of the State which it treats most favourably.

Article 12

The Administering Authority shall, as may be appropriate to the circumstances of the Territory, continue and extend a general system of elementary education designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult, and shall similarly provide such facilities as may prove desirable and practicable in the interests of the inhabitants for qualified students to receive secondary and higher education, including professional training.

Article 13

The Administering Authority shall ensure in the Territory complete freedom of conscience, and, so far as is consistent with the requirements of public order and morality, freedom of religious teaching and the free exercise of all forms of worship. Subject to the provisions of Article 8 of this Agreement and the local law, missionaries who are nationals of Members of the United Nations shall be free to enter the Territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals in the Territory. The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as he may consider necessary for the maintenance of peace, order and good government and for the educational advancement of the inhabitants of the Territory, and to take all measures required for such control.

Article 14

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the Territory freedom of speech, of the press, of assembly, and of petition.

Article 15

The Administering Authority may arrange for the co-operation of the Territory in any regional advisory commission, regional technical organisation, or other voluntary association of States, any specialised international bodies, public or private, or other forms of international activity not consistent with the United Nations Charter.

Article 16

The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the United Nations Charter. Such reports shall include information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council. The Administering Authority shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with regard to the Territory are considered.

Article 17

Nothing in this Agreement shall affect the right of the Administering Authority to propose, at any future date, the amendment of this Agreement for the purpose of designating the whole or part of the Territory as a strategic area or for any other purpose not inconsistent with the basic objectives of the international trusteeship system.

Article 18

The terms of this Agreement shall not be altered or amended except as provided in Article 79 and Articles 83 or 85, as the case may be, of the United Nations Charter.

Article 19

If any dispute whatever should arise between the Administering Authority and another Member of the United Nations relating to the interpretation or application of the provisions of this Agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the United Nations Charter.

Note

See, 8 U.N.T.S. 120; 148 B.F.S.P. 281; U.K.T.S. No. 20 (1947), Cmd. 7082.

United Nations Resolution on Administrative Unions Affecting Trust Territories

General Assembly Resolution 224 (III) of 18 November 1948.

The General Assembly,

Mindful that one of the basic objectives of the Trusteeship System is to promote the political, economic, social and educational advancement of the Trust Territories, and their progressive development towards self-government or independence,

Noting that the Trusteeship Agreements for some of these Territories authorize the Administering Authority concerned to constitute the Territory into a customs, fiscal or administrative union or federation with adjacent territories under its sovereignty or control and to establish common services between the Trust Territory and such adjacent territories, where such measures are not inconsistent with the basic objectives of the Trusteeship System and with the terms of the Trusteeship Agreement,

Recognizing that, in certain circumstances, such unions may be in the interests of the inhabitants of the Territory concerned,

Recalling that the General Assembly approved these Agreements upon the assurance of the Administering Powers that they do not consider the terms of the relevant articles in the Trusteeship Agreements as giving powers to the Administering Authority to establish any form of political association between the Trust Territories respectively administered by them and adjacent territories which would involve annexation of the Trust Territories in any sense or would have the effect of extinguishing their status as Trust Territories,

Having considered the observations of the Trusteeship Council, contained in the report covering the second and third sessions (A/603), on the existing or proposed administrative unions between certain Trust Territories and the adjacent territories under the sovereignty or control of the Administering Authority,

Notes

the observations of the Trusteeship Council on such administrative unions; and in particular;

Endorses the observation of the Trusteeship Council that an administrative union “must remain strictly administrative in its nature and scope, and that its operation must not have the effect of creating any conditions which will obstruct the separate development of the Trust Territory, in the fields of political, economic, social and educational advancement, as a distinct entity”,

Recommends accordingly that the Trusteeship Council should:

- (a) Investigate these questions in all their aspects with special reference to such unions already constituted or proposed and in the light of the terms of the Trusteeship Agreements and of the assurances given by the Administering Authorities in this connection;
- (b) In the light of this investigation, recommend such safeguards as the Council may deem necessary to preserve the distinct political status of the Trust Territories and to enable the Council effectively to exercise supervisory functions over such territories;
- (c) Request, whenever appropriate, an advisory opinion of the International Court of Justice as to whether such unions are within the scope of and compatible with, the stipulations of the Charter and terms of the Trusteeship Agreements as approved by the General Assembly;
- (d) Invite the Administering Authorities to make available to the Council such information relating to administrative unions as will facilitate the investigation by the Council referred to above;
- (e) Report specifically to the next regular session of the General Assembly on the results of the Council’s investigations and the action taken by it.

Hundred and sixtieth plenary meeting, 18 November 1948.

UN Declaration on the Granting of Independence to Colonial Countries and Peoples

General Assembly Resolution 1514 (XV) of 14 December 1960

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such people in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that people may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

Declare that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.
2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.
4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
5. Immediate steps shall be taken, I Trust and Non-Self-Governing Territories or all other territories which have not attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance

with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.
7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non interference in the internal affairs of States and respect for the sovereign rights of all peoples and their territorial integrity.

Chapter 3

International Boundaries of the Southern Cameroons

Boundary with Nigeria

Agreement between Great Britain and Germany respecting (1) the Settlement of the Frontier between Nigeria and the Cameroons, from Yola to the Sea; and (2) the Regulation of Navigation on the Cross River.

Signed at London, March 11, 1913.

The Government of His Britannic Majesty and the Imperial German Government being desirous of arriving at an Agreement respecting (1) the settlement of the frontier between Nigeria and the Cameroons, from Yola to the sea, and (2) the regulation of navigation on the Cross River:

The undersigned, duly authorized by their respective Governments, have agreed as follows:

1. Settlement of the Frontier between Nigeria and the Cameroons from Yola to the Sea

I. The boundary starts at a point $\frac{1}{4}$ of a mile (.4 kilom.) north-west of boundary pillar 17 along the prolongation of the straight line joining boundary pillars 16 and 17.

II. From this point the boundary runs in a straight line, as shown in red on the map (sheets 1 and 2), signed by the German and British delegates at London on the 6th October, 1909, until it cuts the thalweg of the Maio M'Bulo (Mao Bulo), at a point about $\frac{1}{2}$ a mile (.75 kilom.) west of Ganfada (Gangfada).

III. The boundary now runs along the thalweg of the Main M'BuLo (Mao Bulo) until it reaches a point about $1\frac{1}{2}$ miles (2.4 kilom.) east of Tibak (Ganbe) when it follows its southern tributary, as shown on the aforesaid map (sheet 2).

IV. From the head-waters of this southern tributary the boundary runs in a straight line to the top of a hill called Dakka (Won). From Dakka (Won) the boundary runs about south-south-west in a straight line for a distance of about $1\frac{1}{4}$ mile (2 kilom.), when it joins one of the tributaries of the Maio Kam (Mao Kam), as shown on the aforesaid map (sheet 2).

V. The boundary then follows the thalweg of the Maio Kam (Mao Kam) as far as its junction with the Moio Kinimi (Mao Kirimi), thence it runs in a straight line approximately south. Southeast for a distance of about 3 miles (4.5 kilom.), to a point shown on the aforesaid map (sheet 2); thence as shown on that map to the top of One Tree Hill, and thence in a straight line approximately south-south-west to the hill, distant about 5 miles (8 kilom.), shown on the south margin of sheet 2; thence in a straight line to the top of Hos. Shina (Schifla) (sheet 3).

VI. From this point the boundary runs for a distance of about 6 miles (9.6 kilom.) along the Shina (Schina) Ridge in the manner shown on sheet 3, and thence in a straight line to the top of Hos. Tukorua, thence in a straight line to the top of Hos. ShekussUm (SchekussUm) and from this point in a straight line to the top of Hos. Pabun (Pabang) (sheet 3).

VII. The boundary now runs in a straight line from Hos. Pabun (Pabang) to the top of hill 1352 (sheet 4), thence in a straight line to the top of Hos. Kun (Hos. Bali), and from that point in a straight line to the junction of the Maio Kalo (Mo) with the Maio Gazabu (Mao Abaschir Chi).

VIII. The boundary-line follows the thalweg of the Maio Kalo (Mo) until it meets the straight line shown in red on sheet 4.

IX. It now follows this line as far as a point in the thalweg of the Main (Mao) Sung, approximately $1\frac{3}{4}$ miles (2.8 kilom.) east of Oodi (as shown on sheet 5). Thence it goes in a straight line to the source of the Maio (Mao) Tati, and runs along its thalweg until it joins the Rafin Donga. The boundary now follows the thalweg of the Rafin Donga as far as the tributary shown on sheet 5, which is about $3\frac{1}{4}$ miles (5.2 kilom.) north-east of the trigonometrical point 1345. It follows the thalweg of this tributary till it meets the straight line shown in red crossing the Wanya (Wanga) Mountains, which straight line it runs along until its intersection with the Germana River (as shown on sheet 5), about $3\frac{3}{4}$ miles (6 kilom.) east of Madaiki (Madagi). The boundary continues along this straight line till it meets the Katsena River at a point approximately 2 miles (3.2 kilom.) north-east of the trigonometrical point 1627; thence in a straight line to this trigonometrical point, and thence in a straight line to a point in the thalweg of the River Worn, which is approximately $\frac{1}{2}$ a mile (.8 kilom.) north of trigonometrical point 1278 (sheet 6). The boundary now runs westwards along the thalweg of the River Worn as far as its junction with the River Imba (Bija); thence it follows the thalweg of the River Imba (Bija) to the source of a tributary as shown on sheet 6, and crossing the watershed to

the source of the River Maquari (Mekwer), follows the thalweg of that river as far as its junction with the Rivers Tunga and Morno; thence it follows the thalweg of the River Morno (sheet 6) to a point about 1 mile (1.6 kilom.) east of trigonometrical point 2490 (sheet 7).

X. Thence it runs in a straight line as far as the River Anyalo (Anube), which it meets approximately $2\frac{1}{2}$ miles (4 kilom.) north of Atteri (Atscho). The boundary now follows the thalweg of the River Anyalo (Anube) to the source of its western tributary, as shown on sheet 7; it crosses the watershed to the source of a large tributary of the River Oyi (Oji), along the thalweg of which it runs to its junction with the River Oyi (Oji).

XI. Thence the boundary runs in a straight line to the highest point of a large twin-peaked hill (sheet 7), and thence in a straight line to a point in the thalweg of the River Anebir (Anjibir) at the place where the road from Bashu (Baschu) to Obunyi (Oboni) crosses it.

XII. The boundary follows the thalweg of the River Anebir (Anjibir) in a southerly direction until it meets the prolongation of the line joining boundary pillars 6 and 7, thence it runs in a straight line to boundary pillar 7.

XIII. From pillar No. 7, shown on sheet 1 of map T.S.G.S. 2240, the boundary runs in a straight line, in an approximately south-west direction, through pillars No. 6 on the Bashu (Baschu)—Bodam road, No. 5 on the Okon River (left bank), No. 4 on the Abo—Bodam road, No. 3 on the North Danare—Bodam road, No. 2 on the South Danare—Bodam road, No. 1 on the Baje (Badje)—Danare road.

XIV. The division of the villages in this neighbourhood is as follows:—

British German

Bashu. Big Bodam

North Danare. Little Bodam.

South Danare. Dari

XV. Thence the boundary runs in the same straight line to a pillar about 6 miles (9.6 kilom.) distant, and thence in a straight line to the thalweg of the Cross River at a bend of the river about $2\frac{1}{2}$ miles (4 kilom.) upstream from Obokum.

XVI. Thence the boundary follows the thalweg of the Cross River to its junction with the River Awa (Aua), thence along the thalweg of the Awa (Aua) River to a large cairn of stones at its source, situated about latitude $5^{\circ} 23' 05''$ north, longitude $8^{\circ} 50' 11''$ east, as shown on sheet 1, T.S.G.S. 2240.

XVII. Thence in a straight line to the highest point of boundary mountain (3547), thence in a straight line to a pillar on the road Nkuru—Abong, thence in a straight line to the highest point of the mountain Ojum Ojum, as shown on map T.S.G.S. 2240, sheet 2. thence in a straight line to the highest point of the mountain Mongum, thence in a straight line to a pillar on the road from Ekongdup—Aboflg about 1 mile (1.6 kilom.) north-west of Ekongdup (Ekongdub), thence to a pillar on the bank of the River Akpakorum about $\frac{1}{4}$ of a mile (1 kilom.) downstream from the point where the Ekonako—EkOng road crosses the Akpakorum, and thence by the shortest line to the thalweg of the River Akpakorum, known in its lower reaches as the Akwayafe (Akwayafe).

XVIII. Thence it follows the thalweg of the Akpakorum (Akwayafe) River, dividing the Mangrove Islands near Ikang in the way shown on the aforesaid map T.S.G.S. 2240, sheet 2. It then follows the thalweg of the Akwayafe as far as a straight line joining Bakasi Point and King Point.

XIX. Should the thalweg of the Lower Akwayafe, upstream from the line Bakasi Point—King Point, change its position in such a way as to affect the relative positions of the thalweg and the Mangrove Islands, a new adjustment of the boundary shall be made, on the basis of the new positions, as determined by a map to be made for the purpose.

XX. Should the lower course of the Akwayafe so change its mouth as to transfer it to the Rio del Rey, it is agreed that the area now known as the Bakasi Peninsula shall still remain German territory. The same condition applies to any portion of territory now agreed to as being British, which may be cut off in a similar way.

XXI. From the centre of the navigable channel on a line joining Bakasi Point and King Point, the boundary shall follow the centre of the navigable channel of the Akwayafe River as far as the 3-mile limit of territorial jurisdiction. For the purpose of defining this boundary, the navigable channel of the Akwayafe River shall be considered to lie wholly to the east of the navigable channel of the Cross and Calabar Rivers.

XXII. The 3-mile limit shall, as regards the mouth of the estuary, be taken as a line 3 nautical miles seaward of a line joining Sandy Point and Tom Shot Point.

XXIII. Nothing in this Agreement shall prevent British or German vessels, whether public or private, from using the most convenient course between the open sea and the Akwayafe River, and from navigating that river without any differential treatment whatever.

XXIV. The marking, dredging or buoying of the navigable channel of the Akwayafe River from the 3-mile limit landward may be carried out, after agreement between the two Governments, either by the German or British Government, or by both.

XXV. The marking, dredging, or buoying of the navigable channels of the Cross and Calabar Rivers from the 3-mile limit landward shall be carried out by the British Government at the discretion of that Government.

XXVI. The fishing rights of the native population of the Bakasi Peninsula in the estuary of the Cross River shall remain as heretofore.

XXVII. It is agreed that within six months from the date of marking out the boundary natives living near the boundary-line may, if they so desire, cross over to live on the other side, and may take with them their portable property and harvesting crops.

XXVIII. In marking out the boundary the representatives of the two Governments shall have the power, subject to subsequent approval by the two Governments, to make minor deflections from the boundary herein laid down, such deflections not to exceed $1\frac{1}{4}$ miles (2 kilom.) in cases where it is considered desirable, in order that farms shall not be separated from the villages to which they belong.

XXIX. Where the boundary is formed by rivers the populations of both banks shall have equal rights of navigation and fishing.

XXX. The maps signed by the British and German delegates on the 6th October, 1909, are hereby confirmed, and regarded as forming an integral part of the Agreement.

2. Navigation on the Cross River

I.— 1. The navigation on all the course of the Cross River within Southern Nigeria shall remain open to German merchant-vessels, and such vessels shall be subject to the same rules as regards navigation on the river as are applicable to British vessels, and to no special rules, duties, or restrictions. They shall pay only such taxes or fees as are payable

for services rendered to navigation, and the tariff of such taxes or fees shall not warrant any differential treatment between British and German vessels.

2. German vessels on the Cross River in Southern Nigeria shall in all respects be subject to the law in force in Southern Nigeria.

II. No import, export, or transit dues shall be levied on oil transit traffic.

III. Articles, of which the import into the Cameroons or the export from the Cameroons is allowed according to the provisions in force for the German Protectorate, can only be refused transit on the British Cross River if the prohibition to export or import has been issued in Southern Nigeria for the general safety of the country, for the protection of the currency, for the upholding of public morals, as a protection against infectious diseases, or for the combating of diseases in cattle and plants. On the other hand, transit goods shall not be subjected to any prohibition of import or export which is solely based upon some special peculiarities of British trade. In particular, the law respecting the prohibition of the import of woven goods in folds of less than 36 English inches shall not be applied to woven stuffs intended for importation into the Cameroons.

IV. The British Government retain the right to take the necessary measures to ensure the re-exportation of goods imported in transit by affixing leaden seals to each parcel or to such portion of the ship's hold as can be locked up, or by weighing, measuring, or counting the goods again at the custom-house through which they are exported. They can also demand as a precautionary measure the deposit of a proportional amount of caution money or a guarantee from a commercial house in Southern Nigeria.

V. A reasonable charge shall be made for sealing, remeasuring, recounting, or reweighing.

VI. German Government goods, duly certified as such by a voucher issued by the Government of the Cameroons, shall be admitted as transit goods without any verification.

VII. The British custom-house on the Upper Cross River, charged with the duty of sealing, remeasuring, recounting, or reweighing, shall be situated, in so far as practicable, at the point where the goods coming up the Cross River first touch German territory. The British Government shall accordingly, after the conclusion of the Boundary Agreement, give their favourable consideration to the establishment of a customs station

as nearly opposite the mouth of the Awa as possible, either by retaining the present customs station at Abokum, or by transferring that station to a spot opposite the mouth of the Awa.

Done in duplicate at London, the 11th March, 1913.

(L.S.) E. GREY.

(L.S.) LICHNOWSKY.

Note

This international boundary Agreement is reproduced from Ian Brownlie, *African Boundaries: A Legal and Diplomatic Encyclopaedia*, C. Hurst, London, 1979, pp. 557-560 wherein reference is made to the following sources in which the Agreement is published: in 106 B.F.S.P. 782; 9 N.R.G. (3e Sér.), 190; Cd. 7056; Deutsches Koionialblatt, 1913, No. 10; and Parl. Papers, 1910, Vol. LXVI, p. 605, Cd. 5368 (for the original demarcation of 1907-1909).

Agreement concerning the Demarcation of the Anglo-German Boundary between Nigeria and the Cameroons from Yola to the Cross River.

Signed at Obokum, April 12, 1913.

The undersigned, Captain W. V. Nugent, Commissioner of His Britannic Majesty, and Oberleutnant H. Detzner, Commissioner of His Majesty the German Emperor, being appointed by their respective Governments to mark out a definite boundary between Nigeria and the Cameroons from Yola to the Cross River, in accordance with the Agreement of the 6th October, 1909, have agreed to adopt the boundary shown on the accompanying map in 8 sheets, subject to the subsequent approval of their Governments.

A detailed description of the boundary line is given below.

1. From Pillar 1, at a point a quarter of a mile north-west of Pillar 17 (the last pillar of the Yola—Chad demarcation), the boundary runs in a straight line through Pillars 2 and 3 to Pillar 4, whence it runs in a straight line to Pillar 5, distant about 480 yards south-east of Pillar 4. Thence it runs in a straight line to Pillar 6, and from there in a straight line through Pillars 7, 8, 9, 10, 11, 12, 13, 14 and 15 to Pillar 16 on top of the Tebeni

Hill, whence it runs in a straight line through Pillar 17 to Pillar 18, situated on the Maio M'Bulo (German Mao Bulo) at a point where that river bends to the east, about 1 miles from Pillar 17.

2. From Pillar 18 the boundary follows the thalweg of the Maio M'Bulo upstream until it reaches Pillar 19, at the junction of this river with the Maio Gerra (German Djerra). Thence it follows the thalweg of the Maio Gerra upstream until it reaches Pillar 20 situated near the head of this tributary.

3. From Pillar 20 the boundary runs in a straight line to Pillar 21 on the top of a high hill Dakka, and thence south-west in a straight line to Pillar 22, close to the main road over the Gambio Pass, and from here it follows the thalweg of one of the tributaries of the Maio Kam to Pillar 23, where the same road crosses this tributary. Thence it follows the thalweg of the Maio Kam to Pillar 24 at the junction of the Maio Kirimi with the Maio Kam.

4. From Pillar 24 the boundary continues in a straight line to Pillar 25 on the top of a hill about 21 miles distant from Pillar 24 in a south-south-easterly direction, and from here in a straight line to Pillar 26, a large stone on top of a hill Hos Jikussum (German Dschekussum) about 3 miles south-west of Pillar 25, and from Pillar 26. on in a straight line to Pillar 27, a large stone on top of Hos Nagga, a hill on the north, bank of the Maio Moodu (German Mudu), and from there in a straight line to Pillar 28 on top of a prominent isolated hill on the right bank of the Maio Lumen. From Pillar 28 the boundary runs in a straight line to Pillar 29 on the highest point of the Shina ridge (German Ross Schina). From Pillar 29 the crest of the Shina ridge forms the boundary, which passes through Pillar 30 to Pillar 31 on the south end of this ridge, and then runs in a straight line to Pillar 32 on the top of a pointed foothill of lbs Tukurua (German Tukorua), thence in a straight line to Pillar 33, the highest point of Hos Tukurua itself, from there in a straight line to Pillar 34, the highest point of Hos Shekussum, and from this point in a straight line to Pillar 35 on top of Hos Pabun.

5. From Pillar 35 the boundary runs in a straight line in a south-westerly direction through Pillar 36 (distant about 3 miles south of the isolated hill Kunassim) to Pillar 37 on top of the hill, trigonometrical point 1352.

6. From Pillar 37 the boundary runs in a straight line through Pillar 38 on the Maifula—Karbabi road, Pillar 39 on the north bank of the River Teraba (German Taraba), Pillar 40 on the south bank of this river, Pillar 41 on the Beli—Karbabi road, to Pillar 42 on the summit of the great isolated mountain Hos Kun (Dushin Bell) (German Hoss Bali).

7. From Pillar 42 the boundary runs in a straight line through Pillar 43 near the junction of the roads Beli—Abaschirschir and Bakundi—Gaschaka, to Pillar 44 on the north bank of the Maio Gazabu (German Abaschirschir).

8. From Pillar 44 the boundary follows the thalweg of the Maio Gazabu for about 1 miles to Pillar 45 at the junction of the Maio Mum with the Maio Gazabu, and from here follows the thalweg of the Maio Mum to a point near its source, where is Pillar 46.

9. From Pillar 46 the boundary runs in a straight line through Pillar 47, on a plateau about 1 mile north-east of Damia, to Pillar 48 on top of the same plateau.

10. From Pillar 48 it runs in a straight line through Pillar 49 on the Didon (German Didan)—Kwossa road, and from there in a straight line through the Pillars 50, 51, 52 and 53 to Pillar 54 on the north bank of the Maio Sung, about 1 miles east of Oodi Hill, thence in a straight line to Pillar 55 on the Maio Tati, at a point where that river bends in a south-south-westerly direction.

11. From Pillar 55 the boundary follows the thalweg of the Maio Tati to Pillar 56 at the junction of that river with the Rafin Donga (Donga River), and from here it follows the thalweg of the Rafin Donga to Pillar 57 at the junction of the Maio Tutua with the Rarin Donga, and from here it follows the thalweg of the Maio Tutua up-stream, passing the Pillar 58 on the Kentu—Donga road, and the Pillar 59 on the Kentu—Takum road, to Pillar 60 on top of the isolated foothill of the Wanya Mountains (German Wanga—Gebirges) between the two head-waters of the Tutua River.

12. From Pillar 60 the boundary runs in a straight line across the Wanya Mountains to the source of a small tributary of the Gamana River. It now follows the thalweg of this tributary, passing Pillar 61 on a small road running along the foot of the Wanya Mountains, Pillar 62, and Pillar 63 on the Kentu-Lissam road, to Pillar 64 at the junction of this tributary with the Gamana River.

13. From Pillar 64, on the north bank of the Gamana River, the boundary runs in a straight line, through Pillar 65 on the south bank of the same river, Pillar 66 on the top of the most westerly spur of Hos Ningua, Pillar 67 where it is crossed by a southern tributary of the Gamana River, Pillar 68, on the Burba—Takum road, Pillar 69 on the eastern spur of a large

isolated hill, Pillar 70 on top of a prominent high rocky point Pillar 71 on a road between Burba and the Lissam country, Pillar 72 on a road between Lissani and Big Lutu (German Gross-Lutu), Pillar 73 on a low hill which is a prominent landmark, Pillar 74 at the fork of the Lissam—Big Lutu and Takum—Big Lutu roads, to Pillar 75 on a road running in a westerly direction from Big Lutu.

14. From Pillar 75 the boundary runs in a straight line to Pillar 76 on top of a high ridge and from there in a straight line to Pillar 77 on top of a high hill close to the Little Lutu (German Klein—Lutu)— Chippon (German Schupon) road, and from there in a straight line to Pillar 78 on the Big Chippon (German Gross-SchüPOfl)— Ngadi road, and from there in a straight line to Pillar 79 on top of the high mountain range north of the Katsena Valley, and from there in a straight line to Pillar 80 on the Ngadi—Small Chippon (German Klein.Schüpofl) road, and from there in a straight line to Pillar 81 on the north bank of the Katsena River.

15. From Pillar 81 the boundary runs in a straight line through Pillar 82 on the south bank of the Katsena River, to Pillar 83 on top of the hill, trigonometrical point 1627. From Pillar 83 the boundary runs in a straight line through Pillar 84 on the Gaiama— (German Gayama) Ngadi road, Pillar 85 on another road between Ngadi and Gaiama, Pillar 86 on a road along the north bank of the River Worn, to Pillar 87 on the Worn River itself.

16. From Pillar 87 the boundary follows the thalweg of the River Worn to Pillar 88 at the junction of the Rivers Worn and Imba (German Metschum), and thence it follows the thalweg of the Imba (Metschurn) River up-stream to Pillar 89 at the point of junction of this river with a tributary called the Mazan River. From Pillar 89 it follows the thalweg of this tributary up to Pillar 90 near its source, crosses a small watershed, and then follows the thalweg of the River Awa to its junction with the Maquari River (German Mequer), then along the thalweg of the Maquari River itself to Pillar 91 at the place where the Rivers Maquari (Mequer) and Morn (German Moan) meet and form the Tunga River. Thence it follows the thalweg of the River Morn (Moan) up-stream to Pillar 92 at the junction of this river with the Ihi River.

17. From Pillar 92 the boundary runs in a straight line through Pillar 93 on the Iturubu—Habe road, Pillar 94 on top of a flat hill 1 miles south-west of Pillar 92, Pillar 95 on a ridge 1 miles south-west of Pillar 94, to Pillar 96, at a point on the Mokamon (Nkwam) River, where this river bends to the north and is joined by a tributary from the east. From Pillar

96 the boundary runs in a straight line to Pillar 97 on top of a high hill, trigonometrical point 2341, and from there in a straight line through Pillar 98 on the Maiatura—Ndiri (German Ndile) road Pillar 98A on the Maiatura—Ngale road, Pillar 99 on the ajatura—Aningay (German Aninge) road, to Pillar 100 at the junction of the Amiri and Mahana (German Mahane) Rivers.

18. From Pillar 100 the boundary follows the thalweg of the Amiri River up-stream as far as the source of its western headwater, crosses the watershed, and then follows the thalweg of the Magbé River, passing the Pillar 101 where the Aliketti—(German Aligetti) Okwa road crosses this river, to Pillar 102 at the junction of the River Magbé with the River Oyi (German Oji).

19. From Pillar 102 the boundary runs in a straight line through Pillar 103 on the Okwa—Obonyi (German Oboni) road, to the highest point of a large twin-peaked hill, which is a natural boundary-mark, and from here in a straight line through Pillar 104 on the left bank of the Oyi (Oji) River, to Pillar 105 on the Anebir (German Anjibir) River, at the point where the Obonyi—(Obofli) Bashu (German Baschu) road crosses this river.

20. From Pillar 105 the boundary follows the thalweg of the Ancbir (Anjibir) - River to Pillar 106 on its left bank. From Pillar 106 the boundary is a straight line through Pillars 107, 108 on the Bashu— (Baschu) Bodam road, to Pillar 109 on the left bank of the Okon River, and thence it runs in a straight line through Pillar 110 on the Abo—Bodam road, Pillar 111 on the North Danare—Bodam road, Pillar 112 on the South Danare—Bodam road, Pillar 113 on the Baje— (German Badje) Danare road, to Pillar 113 about 6 miles distant from Pillar 113.

21. From Pillar 11 3A the boundary runs in a straight line to Pillar 114 at a bend in the Cross River about 21 miles up-stream from Obokum on the north bank of this river.

All the pillars consist of iron poles cemented into concrete blocks, each block being marked with the number of the pillar, the date, and arrows showing the directions of the next pillars.

In case the above description of the boundary does not agree exactly with the boundary as shown on the maps accompanying the present Agreement, and which are regarded as forming an integral part thereof, it is expressly understood that the position of the boundary as shown on the maps shall decide any dispute.

Signed in duplicate originals, each being in English and German, at Obokum, this twelfth day of April, 1913.

W. V. NUGENT, Captain,
British Commissioner.

Note

This agreement of boundary commissioners signed on April 12, 1913 is also reproduced from Ian Brownlie, pp. 561-564. The following sources are referred to: P.R.O.F.O. 93; 36/81; ERD/4421; Mitt. Vol. 26, heft 4; I.B.S. No. 92 (Revised), p. 19.

Boundary with Cameroun Republic

Franco—British Declaration respecting the Frontier between the British Cameroons and French Cameroun

The undersigned:

Viscount Milner, Secretary of State for the Colonies of the British Empire, M. Henry Simon, Minister for the Colonies of the French Republic, have agreed to determine the frontier, separating the territories of the Cameroons, placed respectively under the authority of their Governments, as it is traced on the map Moisel 1:300,000, annexed to the present declaration [the original 1:300,000 Map is attached to the signed Declaration] and defined in the description in three articles also annexed hereto.

(Signed) MILNER.

HENRY SIMON.

London, July 10th, 1919.

*DESCRIPTION OF THE FRANCO-BRITISH FRONTIER,
MARKED ON MOISEL'S MAP OF THE CAMEROONS, SCALE
1:300,000.*

Article 1

The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05' N. and in approximately longitude 14° 05' E. of Greenwich.

Thence the frontier will be determined as follows:

- (1) A straight line to the mouth of the Ebeji;
- (2) Thence the course of the River Ebeji, which upstream is named the Lewejil, Labejed, Ngalarém, Lebeit and Ngada respectively, to the confluence of the Rivers Kalia and Lebait;
- (3) Thence the course of the River Kalia, or Ame, to its confluence with the River Dorma or Kutelaha;
- (4) Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France;
- (5) From the point where the River Amjumba loses itself in a swamp, the boundary will follow the medium line of this swamp so as to rejoin the watercourse, which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Goluwa and Mudukwa, respectively, the village of Uagisa remaining to Great Britain;
- (6) Thence this watercourse to its confluence with the River Gatagule;
- (7) Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east; thence this watershed to Mount Mulikia;
- (8) Thence a line to the source of the Tsikakiri to be fixed on the ground so as to leave the village of Dumo to France;
- (9) Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga;
- (10) Thence the course of the Mao Tiel to its confluence with the River Benue;
- (11) Thence the course of the Benue upstream to its confluence with the Faro;
- (12) Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilom. south of Chikito;
- (13) Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier;

(14) Thence a straight line to the old boundary pillar No. 7; and thence a straight line to the old boundary pillar No. 8;

(15) Thence a line south-westwards reaching the watershed between the Benue on the north-west and the Faro on the south-east, which it follows to a point on the Hossere Banglang, about 1 kilom. south of the source of the Mao Kordo;

(16) Thence a line to the confluence of the Mao Ngonga and the Mao Deo, to be fixed on the ground, so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy;

(17) Thence the course of the Mao Deo to its confluence with the Tiba;

(18) Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence with a watercourse flowing from the west and situated about 12 kilom. south-west of Kontscha;

(19) Thence a line running generally south-west to reach the summit of the Dutschi-Djombi;

(20) Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilom. north-west of the Tchape Pass (point 1541);

(21) Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilom. to the east;

(22) Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jadjii;

(23) Thence a line to reach the source of the River Mafu;

(24) Thence the River Mafu to its confluence with the River Mabe;

(25) Thence the River Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Barnum;

(26) Thence a line to the confluence of the Rivers Mpand and Nun, to be fixed on the ground, so as to leave the country of Bansso to Great Britain and that of Bamum to France;

- (27) Thence the River Nun to its confluence with the River Tantam;
- (28) Thence the River Tantam and its affluent, which is fed by the River Sefu;
- (29) Thence the River Sefu to its source;
- (30) Thence a line south-westwards, crossing the Kupti, to reach near its source east of point 1300 the unnamed watercourse which flows into the Northern Mill below Bali-Bagam;
- (31) Thence this watercourse to its confluence with the Northern Mill, leaving to France the village of Gascho, belonging to the small country of Barnenjam;
- (32) Thence the Northern Mill upstream to its confluence with the River Mogo, or Doschi;
- (33) Thence the River Mogo to its source;
- (34) Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and the Sanaga and Wuri on the east to Mount Kupe;
- (35) Thence a line to the source of the River Bubu;
- (36) Thence the River Bubu, which appears from the German map to lose itself and reappear as the Ediminjo, which the frontier will follow to its confluence with the Mungo;
- (37) Thence the course of the Mungo to the point in its mouth where it meets the parallel of latitude 4° 2' 30" north;
- (38) Thence this parallel of latitude westwards so as to reach the coast south of Tauben 1.;
- (39) Thence a line following the coast, passing south of Reiher I., to Mokola Creek, thus leaving Möwe Lake to Great Britain;
- (40) Thence a line following the eastern banks of the Mokola, Mbakwele, Njubanan-Jau and Matumal Creeks, and cutting the mouths of the Mbossa-Bombe, Mikanje, Tende, Victoria and other unnamed creeks to the junction of the Matumal and Victoria Creeks;
- (41) Thence a line running 35° west of true south to the Atlantic Ocean.

Article 2

(1) It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed are not indicated in the above description, the commissioners of the two Governments will, as far as possible but without changing the attribution of the villages named in Article I, lay down the frontier in accordance with natural features (rivers, hills, or watersheds). The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

(2) As regards the roads mentioned in Article I, only those which are shown upon the annexed map [annexed only to the original Declaration] shall be taken into consideration in the delimitation of the frontier.

(3) Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

(4) It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or, inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

Article 3

(1) The map to which reference is made in the description of the frontier is Moisel's map of the Cameroons on the scale 1:300,000. The following sheets of this map have been used:

Sheet A 4. Tschad; dated December 1st, 1912.

Sheet B 4. Kusseri; dated August 1st, 1912.

Sheet B 3. Dikoa; dated January 1st, 1913.

Sheet C 3. Mubi; dated December 15th, 1912.

Sheet D 3. Garua; dated May 15th, 1912.

Sheet E 3. Ngaundere; dated October 15th, 1912.

Sheet E 2. Banjo; dated January 1st, 1913.

Sheet F 2. Fumban; dated May 1st, 1913.

Sheet F 1. Ossidinge; dated January 1st, 1912.

Sheet G 1. Buea; dated August 1st, 1911.

(2) A map of the Cameroons, scale 1:2,000,000, is attached to illustrate the description of the above frontier.

Note

The frontier as defined in the Milner-Simon Declaration of 1919 was more elaborately defined in 1928 in a joint declaration by the Governor of the British Cameroons and the Governor of French Cameroun. See Cmd. 3612. The Declaration by the Governors was approved in an Exchange of Notes between the British and French Governments on January 9, 1931. See U.K.T.S. No. 34 (1931), Cmd. 3936; 134 B.F.S.P. 238; 25 N.R.G. (3e Sér.), 478. The Exchange of Notes and the Declaration are reproduced from Ian Brownlie, pp. 565-579.

Exchange of Notes between His Majesty's Government in the United Kingdom and the French Government respecting the Boundary between British and French Cameroons

London, January 9, 1931.

M. de Fleuriau to Mr. A. Henderson.
Ambassade de France,
Londres, le 9 janvier 1931.
M. le Secrétaire d'Etat,

J'ai l'honneur de faire parvenir ci-joint à votre Excellence le texte d'une déclaration que le Haut-Commissaire au Cameroun sous mandat français et le Gouverneur de la Colonie et du Protectorat de Nigeria ont signé récemment. Elle est relative à la frontière entre nos zones respectives de mandat sur le Cameroun.

Votre Excellence a sans doute reçu le texte de la même déclaration et a certainement observé qu'il ne s'agit là que d'une étude préliminaire. Celle-ci est destinée à donner à la description de la ligne que devra suivre la Commission de Délimitation plus de précision que ne l'a fait la déclaration Milner-Simon, de 1919.

Quoi qu'il en soit, la première déclaration visée ci-dessus définit en substance la frontière dont il s'agit et le Gouvernement de la République a l'honneur de confirmer, par la présente note, l'agrément qui lui a été implicitement donné. Si une pareille confirmation est faite par le Gouvernement de Sa Majesté dans le Royaume-Uni, la délimitation définitive pourra être entreprise par la mission prévue à cet effet par l'Article 1 du mandat.

Veillez agréer, &c.
A. DE FLEURIAU.

(Translation.)

French Embassy,
London, January 9, 1931.
M. le Secrétaire d'Etat,

I have the honour to transmit to your Excellency herewith the text of a Declaration signed recently by the High Commissioner of the French mandated area of the Cameroons and the Governor of the Colony and Protectorate of Nigeria. It relates to the frontier between our respective spheres of the mandated territory of the Cameroons.

Your Excellency will no doubt have received the text of the same Declaration and will certainly have observed that it concerns a preliminary survey only. This is intended to describe the line to be followed by the Delimitation Commission, more exactly than was done in the Milner—Simon Declaration of 1919.

However, the first Declaration mentioned above does in substance define the frontier in question, and the Government of the Republic has the honour to confirm by the present note the implicit acceptance of the Declaration. If it is similarly confirmed by His Majesty's Government in the United Kingdom, the definitive delimitation can be undertaken by the commission provided for in Article I of the Mandate.

Accept, &c.
A. DE FLEURIAU.

Mr. A. Henderson to M. de Fleuriau.
Foreign Office, January 9, 1931.

Your Excellency,

1. I have the honour to acknowledge the receipt of your Excellency's note of today's date on the subject of the delimitation of the boundary between the British and French spheres of the mandated territory of the Cameroons, and to inform you that His Majesty's Government in the United Kingdom have, as you surmised, received from the Governor of the Colony and Protectorate of Nigeria the text of the Declaration recently signed by the High Commissioner of the French Republic in the French mandated area of the Cameroons and himself.

2. His Majesty's Government agree that this Declaration is, as you point out, not the product of a boundary commission constituted for the purpose of carrying out the provisions of Article I of the Mandate, but only the result of a preliminary survey conducted in order to determine more exactly than was done in the Milner—Simon Declaration of 1919 the line ultimately to be followed by the boundary commission; that, none the less, the Declaration does in substance define the frontier; and that it is therefore desirable that the agreement embodied therein shall be confirmed by the two Governments in order that the actual delimitation of the boundary may then be entrusted to a boundary commission, appointed for the purpose in accordance with the provisions of Article 1 of the Mandate.

3. His Majesty's Government note that the French Government by their note under reference confirm, for their part, the agreement embodied in the Declaration; and I have the honour in reply to inform your Excellency hereby that His Majesty's Government similarly confirm this agreement.

4. His Majesty's Government in the United Kingdom accordingly concur with the French Government that the actual delimitation can now be entrusted to the boundary commission envisaged for this purpose by Article 1 of the Mandate.

I have, &c.

ARTHUR HENDERSON.

Declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons determining the Frontier between British Cameroon and French Cameroun

The undersigned:

Sir Graeme Thomson, G.C.M.G., K.C.B., Governor of the Colony and Protectorate of Nigeria, Paul Marchand, Governor of the French Cameroons,

have agreed to determine the frontier, separating the territories of the Cameroons placed respectively under the authority of the British and French Governments, as is traced on the map annexed to this declaration and defined in the descry[ption] also annexed hereto.

(1) The boundary starts from the junction of the three old British, French and German boundaries at a point in Lake Chad 130 05' latitude north and approximately 14° 05' longitude east of Greenwich. From there the boundary has been determined as follows:—

(2) On a straight line as far as the mouth of the Ebeji.

(3) Thence from this mouth along the course of the River Ebeji, which bears on the upper part of the names of Lewejil, Labejed, Ngalarém, Lebeit et Ngada, as far as the confluence of the Rivers Kalia and Lebait.

(4) Thence from the confluence of the Rivers Ngada, Kalia and Lebait along the course of the Rivers Kalia or Ame as far as its confluence with the River Dorma or Kutelaha (Koutelaha).

(5) Thence from the confluence of the Rivers Kalia and Dorma or Kutelaha along the course of this last river as far as a point to the south of the village of Segage where it meets a marsh stretching towards the south.

(6) Thence by a line through the middle of this marsh to where it meets the road from Segage towards a marsh named Sale.

(7) Thence following the road to a point about a kilometre and a half to the north of the said marsh.

(8) Thence passing about a kilometre and a half to the west of the marsh as far as a point about a kilometre and a half to the south of the marsh on the road leading to the village of Gourgouron.

(9) Thence following this road to a point situated about 2 kilometres to the north-east of the village of Gourgouron and passing through a marsh nearly a kilometre to the north of this village to a point situated about 2 kilometres to the west on the Gourgouron-Ferfarti road, leaving the villages of Sale, Mada and Gourgouron to France.

(10) Thence following this road and meeting a number of waterholes (shown on Moisel's map under the name of Amjumba) to a point situated about a kilometre from the village of Ferfarti and entering a marsh situated 500 metres to the north of this village which is still assigned to France.

(11) Thence turning to the west, south-west and south as far as the bed of a defined river and following the bed of this river in a south-westerly direction to a large marsh named Umm Jumba (Amjumba), leaving the villages of Galadima Jidda, Abu Kharaza and Ulba to England.

(12) Thence following a line through the middle of this marsh, passing the bed of a small stream which is frequently lost in the marsh, as far as a water-hole named Diguilaba and a confluence with another line of marsh running more to the south in the direction of Wasa rock.

(13) Thence going on and meeting the bed of a better defined stream crossing the marsh of Kulujia and Kodo as far as a marsh named Agzabame.

(14) Thence crossing this marsh where it reaches a river passing quite close to the village of Limanti (Limani) to a confluence at about 2 kilometres to the north-west of this village.

(15) Thence following the Limanti—Wabisei (Uagisa) road as far as a brook situated about a kilometre to the east of Wabisei and passing through the middle of the villages of Bangimami and Imchide, and leaving the village of Djarandioua to France.

(16) Thence following this brook as far as a marsh situated about 3 kilometres to the west of Wabisei.

(17) Thence crossing this marsh to a point where it meets the River Kolofata and following this river as far as its confluence with the River Gwanje or Keraua.

(18) Thence following the Keraua as far as its confluence in the mountains with a river coming from the west and known by the “Kirdis” inhabiting the mountains under the name of Kohom (shown on Moisel’s map under the name of Gatagule), cutting into two parts the village of Keraua and separating the two villages of Ishigashiya.

(19) Thence it runs from this confluence as far as the top of Mount Ngosi in a south-westerly direction given by the course of the Kohom (Gatagule) which is taken as the natural boundary from its confluence as far as its source in Mount Ngosi; the villages of Matagum and Hijie being left to France, and the sections of Uledde and of Laherre situated to the north of the Kohom to England; those of Tchidouï Hiduwe) situated to the south of Kohom to France.

(20) Thence on a line in a south-westerly direction following the tops of the mountain range of Ngosi, leaving to France the parts of Ngosi situated on the eastern slopes, and to England the parts situated on the western slopes, to a point situated between the source of the River Zimunkara and the source of the River Devurua; the watershed so defined also leaves the village of Bugelta to England and the village of Turu to France.

21) Thence in a south-south-westerly direction, leaving the village of Dile on the British side, the village of Libam on the French side to the hill of Matakam.

(22) Thence running due west to a point to the south of the village of Wisik where it turns to the south on a line running along the watershed and passing by Mabas on the French side, after which it leaves Wula on the English side running south and bounded by cultivated land to the east of the line of the watershed.

(23) Thence passing Humunsi on the French side the boundary lies between the mountains of Jel and Kamale Mogode on the French side and running along the watershed.

(24) Thence passing Humsiki, including the farmlands of the valley to the west of the village on the French side, the boundary crosses Mount Kuli.

(25) Thence running due south between Mukta (British) and Muti (French) the incorrect line of the watershed shown by Moisel on his map being adhered to, leaving Bourha and Dihi on the French side, Madogoba Gamdira on the British, Bugela or Bukula, Madoudji, Kadanahanga on the French, Ouda, Tua and Tsambourga on the British side, and Buka on the French side.

(26) Thence the boundary runs through Mount Mulikia (named also Lourougoua).

(27) Thence from the top of Mount Mulikia to the source of the Tsikakiri, leaving Kotcha to Britain and Dumo to France and following a line marked by four provisional landmarks erected in September 1920 by Messrs. Vereker and Pition.

(28) Thence along the course of the Tsikakiri, as it exists in reality and not as it is shown on Moisel's map, to its confluence with the River Tiel.

(29) Thence the course of the Mayo Tiel as far as its confluence with the Benue.

(30) Thence along the course of the Benue upstream as far as its confluence with the Faro.

(31) Thence along the course of the Faro as far as the mouth of its branch, the Mao 1-lesso, situated about 4 kilometres south of Chikito.

(32) Thence along the course of the Mao Hesso as far as landmark No. 6 of the old British-German frontier.

(33) Thence a line starting from Beacon 6, passing Beacon 7, finishing at the old Beacon 8.

(34) Thence from this mark 8 placed on the left bank of the Mao Youwai, a small stream flowing from the west and emptying itself into the Mayo Faro, in a straight line running towards the south-west and reaching the summit of Wamni Range, a very prominent peak to the north of a chain of mountains extending towards the Alantika Mountains, and situated to the east of the old frontier mark No. 10.

(35) Thence the frontier follows the watershed from the Mao Wan to the west and from the Mao Faro to the east, where it rejoins the Alantika Range, it follows the line of the watershed of the Benue to the north-west and of the Faro to the south-east as far as the south peak of the Alantika Mountains to a point 2 kilometres to the north of the source of the River Mali.

(36) Thence from this peak by the River Sassiri, leaving Kobi to France and Kobi Leinde to Great Britain, Tebou and Tscho to France, as far as the confluence with the first stream coming from the Balakossa Range (this confluence touches the Kobodji Mapeo Track), from this stream towards the south, leaving Uro Belo to Great Britain and Nanaoua to France.

(37) Thence the boundary rejoins the old boundary about Lapao in French territory, following the line of the watershed of the Balakossa range as far as a point situated to the west of the source of the Labidje or Kadam River, which flows into the River Deo, and from the River Sampee flowing into the River Baleo to the north-west.

(38) Thence from this point along the line of the watershed between the River Baleo and the River Noumerou along the crest of the Tschapeu

Range, to a point 2 kilometres to the north of Namberu, turning by this village, which is in Nigeria, going up a valley north-east and then south-east, which crosses the Banglang range about a kilometre to the south of the source of the Kordo River.

(39) Thence from this point on a straight line running towards the confluence of the Rivers Ngomba and Deo until the line meets the River Kolob.

(40) Thence along a line parallel to the Bare Fort Lamy Track and 2 kilometres to the west of this track, which remains in French territory.

(41) Thence a line parallel to and distant 2 kilometres to the west from this road (which is approximately that marked Faulborn, January 1908, on Moisel's map) to a point on the Maio Tipsal (Tiba, Tibsat or Tussa on Moisel's map) 2 kilometres to the south-west of the point at which the road crosses said Maio Tipsal.

(42) Thence the course of the Maio Tipsal upstream to its confluence with the Maio Mafu, flowing from the west, to a point some 12 kilometres to the south-west of Kwancha town.

(43) Thence a straight line running south-west to the highest peak of the Hosere Jongbi (Dutschi-n-Djombi of Moisel's map).

(44) Thence the watershed between the basins of the Maio Taraba on the west and the Maio Deo on the east to the second from the north of the four peaks of the 1-losere Bakari Be (Dutschi-n-Bertua on Moisel's map). These four peaks run from north to south parallel to and about 3 kilometres to west of the road from Bare to Fort Lamy.

(45) From this second peak issues the Maio Tapare which, flowing east to the Maio Deo, forms the boundary between the Districts of Kwancha and Dodeo. This peak is the source of the Maio Tapare, and is 2 miles due west of the Maio Tapare Rest-house. This line leaves the villages of Mafou and Kounti in French Territory.

(46) Thence following the watershed between the Maio Tapare (and its effluents) and the Maio Deo (and its effluents) along, successively, the two remaining peaks of the Hosere Bakari Be (running from north to south), the three peaks of the Hosere Nyamboli, the two peaks of the

Hosere Maio Baji, Hosere Lainga. These three little groups of Hosere N'Yamboli, Hosere Maio Baji and Hosere Lainga run south-west and form the Bapai range. Behind the Bapai range is the Sapbe Kauyel, hich is in British Territory.

(47) Thence across the saddle connecting the Bapai range and the imposing Genderu Mountains. From this saddle the frontier climbs to the first prominent peak in the Genderu Mountains (known as Hosere Jauro Gotel or as Hosere Jagam), thence along the remaining three peaks of Hosere Jauro Gotel (or Hosere Jagam), thence along the four peaks of Hosere Sangoji to Sapbe M'Bailaji. These last three groups of hills constitute part of the watershed between the Maio Taraba and the \laio Yin.

(48) Thence to Hosere Lowul, which is well over 2 kilometres from the Kancha—Banyo main road. This peak (Hosere Lowul) lies on a magnetic bearing of 296 from the apex of the Genderu Pass on the above-mentioned main road. From this apex, which is distant 31 miles from Genderu Rest-house, and which lies between a peak of Hosere M'Bailaji (to the west) and a smaller hill, known as Iloscre Burutol, to the east, 1-Josere M'Bailaji has a magnetic bearing of 45 and Hosere Burutol one of 185.

(49) Thence a line, crossing the Maio Yin at a point some 4 kilometres to the est of the figure 1,200 (denoting height in metres of a low conical hill) on Moisel's map E 2, to a prominent conical peak, Hosere Gulungel, at the foot of which (in French Territory) is a spring impregnated with potash, which is well-known to all cattle-owners in the vicinity. This Hosere Gulungel has a magnetic bearing of 228 from the point (5 miles from Genderu Resthouse, which is known locally as "Kampani Massa" on the main Kwancha—Banyo road where it (Hosere Gulungel) first comes into view). From this same point the magnetic bearing to Hosere Lowul is II. The Salt lick of Banare lies in British Territory.

(50) This peak, Hosere Gulungel, is the first of six forming the little chain of the Hosere Golurde (not "Gorulde" as on Moisel's map E. 2). The frontier runs along these six Golurde peaks, thence to a little isolated peak (Hosere Bolsumri) leaving the Bolsumri potash spring on the British side. The magnetic bearings from Maio Lelewal (otherwise known as Yakuba) Rest-house are: to Rosere Gulungel 356, to the sixth peak of Hosere Golurde chain 323, and to Hosere Bolsumri 302. Hosere Bolsumri, the nearest peak on the frontier to the Kwancha—Banyo road, is over 2 kilometres from this road.

(51) Thence along the chain of hills known as Hosere N'Getti, which form the watershed between the Maio Gangan and the Maio Yin (and Taraba), and which ends in a high flat peak on a magnetic bearing of 248 from Maio Lelewal (or Yakuba) Rest-house.

(52) Thence a line over a high plateau, crowded with mountain-tops, forming the watershed between the Maio Gangan to the west (British) and the Maio Dupbe to east (French) and the Maio Banyo to west (French). These two last-named rivers flow into the Maio M'Bamti. The whole of this line is entirely uninhabited for fully 5 miles on either side, and it extends for some 13 or 14 miles in length. It is, moreover, impassable at the very height of the rains. It lies on a very lofty and desolate plateau, and, starting first in a southerly direction, swings to the south-west as it winds among a sea of mountain-tops forming in succession the groups known locally as Hosere N'Yamn'Yeri, Sapbe Bnokni, Sapbe Pelmali, Sapbe Wade, Sapbe Gallal and Sapbe Sirgu.

(53) Sapbe Sirgu, known to the local Pagans as "Yajin," and called loosely "Gotel Berge" on Moisel's map E 2, is the last part of the watershed between Maio Gangan and Maio Banyo. The Banyo—Gashaka—Ibi road climbs steeply up this Sapbe Sirgu and cuts the Frontier at the apex of the pass 6 miles to the north-west of the Gandua Rest-house (the last rest-house on this road in French Territory).

(54) Thence to a point at the south-west end of the Sapbe Sirgu, 2 kilometres to the north of the letter "i" in the word "Tukobi" on Moisel's map E 2., This point is on the common watershed between the three sets of head-waters of the Maio Gashaka (British), the Maio Donga (or Kari), British, and also of the Maio Teram (French).

(55) Thence a line running, generally, due south, to cross the Banyo-Kuma road 2 miles to west of the 1,630 metres hill on Moisel's map E 2.

(56) Thence the Frontier swings to the east, following the water-shed between the Maio Donga (or Kari) and the Maio Teram, thence to the south-east, among the Hosere N'Tem. Leaving the Sabri potash spring in the Gashaka District in British Territory. Thence south-south-west through, successively, the crests of the 1-losere N'Dangani, Hosere Kewal, Hosere Wajuru, and the Hosere Bangaro, which last lie to the west-north-west of the Pagan village of Bangaro, to a point on a saddle which connects the more westerly of the two parallel ridges forming the 1-losere Bangaro with the higher Sapbe Ma (still further to the west). This saddle forms the watershed between the source of the Mai N'Gum (French), which later

joins the Maio Teram 6 miles south of Banyo Town, and the source of the Maio Kemme, which is one of the head-waters of the Maio Donga. The Maio Kemme was traced for 6 miles from its source as it flowed east towards the large Pagan village of Kabri. The above-mentioned saddle is 4 miles from Bangaro village, and is on the Banyo—Kabri path. Thus the prominent rocky bluff, Hosere Tongbau, lies entirely in French territory.

(57) From this saddle the Frontier follows the watershed to a prominent peak, the second of the Sapbe Ma group of mountains. This peak is on a magnetic bearing of 215 from the above-mentioned point where the Banyo—Kabri path cuts the watershed between the Maio N'Gum (French) and the Maio Kemme (British).

(58) Thence the watershed runs generally south-west along, in succession, the peaks of the Sapbe Ma, the Hosere Jin (in front of which range is a very prominent, detached, fang-like, rocky peak—also called un—visible for many miles from the north, east and south, which is entirely in French Territory), the Hosere Maio Dalle and the Hosere Gesumi. In front of, and parallel to, the Hosere Gesumi is the chain of the less lofty Hosere Ribao. These Hosere Ribao are close to, and overlook, the Ribao Rest-house (the third rest-house from Banyo) and are wholly in French Territory.

(59) Thence the Frontier continues amongst the peaks of the Hosere Gesumi, following the watershed between the head-waters of the Maio Donga to the north, and the Maio Kwi (French) to the south, and the Maio Mabe (French) to the south. These head-waters of the latter two (French) rivers emerge from between the Hosere Chemo, the Hosere Lu, the Hosere Atta and the Hosere Songkorong, which, in succession, form the foothills to the loftier Gesumi range behind them to the north-west north of Songkorong village, which is on the Banyo – Kumbo—Bamenda road, these Hosere Gesumi are called by the local Pagans Hosere Hambere.

(60) Thence the Frontier follows the watershed amongst these Hosere Hambere (or Gesumi) to the north of the sources of the Maio Kombe, Maio Gur and Maio Malam to a fairly prominent, pointed peak which lies on a magnetic bearing of 17° from a cairn of stones, 8 feet high, erected on the 15th September, 1920, on the south side of the above Banyo – Kumbo—Bamenda road at a point 1 mile from N'Yorong Rest-camp and 8½ miles from Songkorong village.

(61) From this peak in the Hosere Hambere (or Gesumi), which is situated just to the east of the visible source of the Maio M'Fi (or Baban), the Frontier follows the watershed, visible all the way from the Cairn, between

the Maio Malam to east (French) and the Maio M'Fi (or Baban) to west (British), till it cuts the Banyo—Kumbo—Bamenda road at the Cairn. This Cairn is immediately under the highest peak of the Hosere Nangban, which is shown on Moisel's map F 2 as Hosere Jadji, but Jadji is really the name of the pagan head of N'Yorong village.

(62) Thence the Frontier ascends this highest peak of Hosere Nangban, following the watershed between the Maio Monchar and the Maio Nimaju, which are both to the east and which both flow into the Maio Malam (French), and a series of little burns on the west which flow into the Maio M'Fi (or Baban), British.

(63) Thence the Frontier, following this watershed up and over this highest peak of the Hosere Nangban to its far, or south-west side, at once strikes the source of the Maio Mafu.

(64) Thence the Frontier is formed by the median line of the Maio Mafu, going downstream, to its confluence with the Maio Mabe (or N'Sang). This confluence also marks the end of the Frontier between Yola Province (Kwancha Division) and the circumscription of N' Gaundere.

(65) Thence the median line of the Maio Mabe going upstream to its confluence with the River Nketitup.

(66) Thence the course of the River Nketitup upstream to its source at the foot of Mount Batfang (Banso) or Kouetnana (Bamun).

(67) Thence a line south-westwards to the ravine situated at the head of the pass separating the two peaks of Mount Batfang (Banso) or Kouetnana (Bamun).

(68) Thence a line south-south-eastwards to the westernmost point of Lake Keban (Banso) or Tamfi (Bamun) so as to leave this lake entirely to France.

(69) Thence a line southwards to the summit of Mount Fanangan.

(70) Thence a line south-south-westwards to the foot of Mount Bantiwan so as to leave this hill entirely to Great Britain.

(71) Thence a line south-westwards to the summit of Mount Ngori.

(72) Thence a line westwards passing through the centre to the western edge of the salt spring called by the Bansos Lip and by the Bamuns You.

(73) Thence a line west-south-westwards to the sudden bend towards the south in the River Mbui (Banso) or Mvi (Bamun), which is shown on Moisel's map and is situated at the exact point where this river enters the plain from between the mountains of Zemboui to the south and Njamjom (Banso) or Mveng (Bamun) to the north.

(74) Thence the River Mbui or Mvi upstream to its confluence with the River Molier (Banso) or Nkou (Bamun).

(75) Thence the River Molier (Banso) upstream to a point 200 yards below the ford on the path between the villages of Koubokam and Koutopi so as to leave the Bamun village and plateau of Koubokam to France and the area called by the Bansös Mbokum to Great Britain.

(76) Thence a line parallel to the Koubokam—Koutopi path on its northern side until the stream Moinun (Banso) or Ketchouperin (Bamun) is reached, thus leaving the Koubokam—Koutopi path wholly in French territory.

(77) Thence the stream Ketchouperin or Moinun until its junction with the River Moinun (Banso and Bamun) or Upper Nun.

(78) Thence the Moinun to its junction with the River Nun.

(79) Thence the River Nun to its junction with the River Ngwanonsia or Chawnga or Chawga.

(80) Thence the River Ngwanonsia upstream to the point where it is crossed by the Nkwefu—Bambalang Road.

(81) Thence a line westwards through the swamp to the northern extremity of the Island of Nkwefu (an elder of the Bagam Village of Fombefu).

(82) Thence a line westwards through the swamp to the point where the Fombefu—Nkwefu path cuts the River Ta or Tantam.

(83) Thence the River Tantam upstream to its confluence with the River Sefu or Mekango.

(84) Thence the River Sefu upstream to its source.

(85) Thence a line south-westwards to the apex of the large isolated rock called Ngoma Fominyam.

(86) Thence a line southwards to the source of the River Webinga near point 1300 in Moisel's map and to the east of it.

(87) Thence the River Webinga to its confluence with the Mbonso (Bali—Bagam) or Momogo (Bagam).

(88) Thence the River Mbonso to its confluence with the River Mifi.

(89) Thence the River Mifi upstream to its confluence with the River Mogo or Dochi.

(90) Thence the River Mogo upstream to its confluence with the stream Dugum (Bali—Bagam) or Housete—Fontchili (Bagam), which is slightly above where the Bagam—Bali—Bagam road crosses the River Mogo.

(91) Thence the stream Dugum to its source which is marked by a cairn of stones on the eastern side of Mount Ngenkoa (Bali—Bagam) or Koungo (Bagam).

(92) Thence a line to a cairn of stones at the top of the defile between Mount Ngenkoa in the south and Mount Tabira (Bali—Bagam) or Koumenou (Bagam) in the north.

(93) Thence a line to the bend in the River Bingwa (Bali—Bagam) or Seporo (Bagam), about 60 yards from the above-mentioned cairn.

(94) Thence the River Bingwa to its confluence with the River Mifi.

(95) Thence the River Mifi upstream to its confluence with the River Kongwong.

(96) Thence the River Kongwong upstream to its junction with the River Tooloo or Ntoulou.

(97) Thence the River Tooloo to a cairn at the top of the waterfall about 1kilometre above the confluence of the Rivers Tooloo and Kongwong.

(98) Thence a straight line on a magnetic bearing of 130° to the summit of a circular peak immediately to the north of the defile Zemembi, through which passes the Babadju—Bapinyi path.

(99) Thence the line of heights overlooking to the east the vale of Babdju and to the west the valley of the Meso to the peak Asimi, where this line of heights ends.

(100) Thence a straight line to the centre of the march shown on Moisel's map as Mbetscho and called Kifi by the natives of Babinyi, and Tchinbintcho by those of Babadju.

(101) Thence the crest of the watershed between the Cross River on the west and the River Noun on the east to a beacon in the centre of a small area of forest named Nlepong about 400 metres south-east of Mount Lekonkwe or Etchemtankou on the crest of the watershed.

(102) Thence the stream Tantchempong, which has its source about 25 metres south-west of the above-mentioned beacon, to its confluence with the stream Mintchemecharlee.

(103) Thence the stream Mintchemecharlee upstream to the point where it most nearly reaches two small rocks named Toletzet which mark the boundary between the villages of Fossong Elelen and Fongo Tongo on the road between those villages.

(104) Thence a line passing through the two rocks named Toletzet to the source of the stream Monchenjemaw or Montchi Zemo.

(105) Thence this stream to its confluence with the stream Munchisemor or Nlontchi Zemon, which has its source about 50 metres west of the largest of the three rocks called Melogomalee or Melegomele.

(106) Thence the stream Munchisemor to its source.

(107) Thence a line passing through the centre of the largest of the three rocks called Melogomalee to the source of the stream Monchita or Montchi Monie. about 100 metres south-south-east of the above-named rock.

(108) Thence the stream Monchita to its confluence with the River Bamig.

(109) Thence the River Bamig upstream to its source on a forest-covered hill called Nkenchop (the point where the River Bamig crosses the Dschang—Fontem Road is marked by a beacon).

(110) Thence a line through the crest of the hill Nkenchop to the crest of a forest-covered hill called Siambi.

(111) Thence a straight line to a beacon placed on the watershed at a point known as Ntchourngomo.

(112) Thence a line following the crest of the watershed between the Cross River on the west and the River Nkam on the east through the summits of Mounts Ngome and Jomen to the summit of Mount Wenmen.

(113) Thence a straight line running south-south-west to join the River Ngwe.

(114) Thence the River Ngwe for a distance of 3 kilometres to its affluent, the stream Liplo.

(115) Thence the stream Liplo to a point 500 metres west of the Moangekam—Lo track.

(116) Thence a line running parallel with this track and 500 metres west of it, until this line reaches the crest of Mount Njimba.

(117) Thence a line along the crest of Mount Njimba to its summit, which lies to the west of the French village of Moangekam.

(118) Thence a line through the summit of Mount Ngokela to the plain of Elung, leaving the Muanya compound of Nyan in British territory.

(119) Thence a track cut across the plain and marked with posts so as to leave the village of Nyan in British territory and the village of Po-Wassum in French territory, until this track reaches the stream Edidio.

(120) Thence this stream until it is crossed by the Poala—Muangel track.

(121) Thence a line running south-south-west along the summit of Mount Manenguba to the ridge surrounding the basin of the lakes.

(122) Thence a curved line along the eastward side of the ridge until the point where the Muandon—Poala track crosses the ridge.

(123) Thence the Muandon—Poala track in a westerly direction down the slopes of Mount Hahin and Mount Ebouye until it reaches the River Mbe.

(124) Thence the River Mbe which runs parallel with Mount Mueba, until a line of cairns and posts is reached.

(125) Thence this line of cairns and posts, which marks the boundary between the French villages of Muaminam (Grand Chef Nsasso) and the English villages of the Bakossi tribe (District Head Ntoko) and the Ninong tribe (District Head Makege) to the point where an unnamed tributary from the North joins the River Eko.

(126) Thence a line touching the two westernmost points of the boundary of the former German plantation of Ngoll to the crest of Mount Elesiang.

(127) Thence along the crest of Mount Elesiang to the northern-most point of the tobacco plantation of Nkolankote.

(128) Thence a line running south-south-west along Mount Endon, so as to leave the plantation of Nkolankote in French territory and the plantation of Essosung in British territory, to the summit of Mount Coupe.

(129) Thence a straight line running south-south-west to a cairn of stones on the Lum—Ngab Road at a point 6,930 metres along this road from the railway track.

(130) Thence a straight line in a south-westerly direction to the source of the River Bubu.

(131) Thence the River Bubu to a point 1,200 metres down-stream from a place called Muanjong Farm.

(132) Thence in a straight line in a westerly direction to the source of the River Ediminjo.

(133) Thence the River Ediminjo to its confluence with the River Mungo.

(134) Thence the River Mungo to the point in its mouth where it meets the parallel 4° 2' 30" north.

(135) Thence this parallel of latitude westwards so as to reach the coast south of Tauben Island.

(136) Thence a line following the coast, passing south of Reiher Island to Mokola Creek, thus leaving the whole of the Moewe See in British territory.

(137) Thence a line following the eastern banks of the Mokola Mbakele. Njubanan-Jau, and Matumal creeks, and cutting the mouths of the Mdossa-Bombe.

Mikanje, Tende, Victoria and other unnamed creeks to the junction of Matumal and Victoria creeks.

(138) Thence a line running 35° west of true south to the Atlantic Ocean.

GRAEME THOMSON

Governor of the Colony and Protectorate of Nigeria.

MARCHAND,

Gouverneur, Commissaire de la

République française au Cameroun.

Note

Sections 1 – 64 of the frontier alignment relate to the Northern British Cameroons which, following the plebiscite result and UN General Assembly Resolution 1608, was incorporated into Nigeria in June 1961.

Exchange of letters between the United Kingdom and the Federation of Nigeria regarding the incorporation of the Northern Cameroons into the Federation

The High Commissioner for the United Kingdom in the Federation of Nigeria to the Prime Minister of the Federation of Nigeria

Lagos, 29th May, 1961.

Sir,

1. I have the honour to refer to the plebiscite held in the Northern Cameroons on the 11th and 12th February, 1961, which resulted in a majority vote in favour of joining the Federation of Nigeria and to Resolution No. 1608 (XV) of the Fifteenth Session of the General Assembly of the United Nations.

2. I am instructed to recall the discussions held in London in May, 1960, with representatives of the Nigerian Governments at which the terms on which the Northern Cameroons would rejoin Nigeria were referred to.

3. It is the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland that the Government of the Federation of Nigeria, and the other Governments in Nigeria, so far as they are concerned, agree with the Government of the United Kingdom that the Northern Cameroons should be admitted to the Federation of Nigeria and incorporated in Northern Nigeria and that the Governments concerned will take the necessary legislative action to amend the Constitutions of the Federation and of Northern Nigeria in accordance with Section 16 of the Nigeria (Constitution) Order in Council, 1960.

4. The Government of the United Kingdom further understand that it is the intention that the new system of local administration which was introduced into the Northern Cameroons on the 1st July, 1960, shall continue after the incorporation of the territory into Nigeria.

5. In accordance with paragraph 4 (a) of Resolution 1608 (XV) of the Fifteenth Session of the General Assembly of the United Nations the Government of the United Kingdom will regard the Northern Cameroons as being part of the territory of the Federation of Nigeria with effect from 1st June, 1961.

6. I shall be grateful for your confirmation that these understandings of the Government of the United Kingdom are correct and that the Government of the Federation of Nigeria agree that this note and your reply confirming these understandings shall constitute an agreement.

I have, &c.

HEAD.

The Prime Minister of the Federation of Nigeria to the High Commissioner for the United Kingdom in the Federation of Nigeria

29th May, 1961.

My Lord,

I have the honour to acknowledge the receipt of your Note of today's date which reads as follows:

[As in UK High Commissioner's letter above]

I have pleasure in confirming that these understandings of the Government of the United Kingdom are correct and that the Government of the Federation of Nigeria agree that your Note and this reply confirming these understandings shall constitute an agreement.

I have, &c.

ABUBAKAR BALEWA.

Exchange of Notes between the United Kingdom and Cameroun Republic on the cesser of UK trusteeship over the British Southern Cameroons upon its joining Cameroun Republic on 1 October 1961.

Her Majesty's Ambassador at Yaoundé to the President of the Cameroun Republic

Yaoundé, le 27 Septembre, 1961.

Monsieur le Président,

D'ordre de mon Gouvernement, et en exécution de la Resolution No. 1608(XV) du 21 avril 1961 de l'Assemblée Générale des Nations Unies, stipulant que la Tutelle que le Royaume-Uni exerçait au Cameroun Méridional en vertu de l'Accord de Tutelle du 13 décembre 1946 prendra fin "le 1er octobre prochain, au moment où ce Territoire s'unira à la République du Cameroun", j'ai l'honneur de vous informer que cette Tutelle cessera de s'exercer au Cameroun Méridional le 30 septembre 1961 à minuit, étant donné que ce Territoire se joindra à la République du Cameroun le 1er octobre 1961 à zero heure.

Veillez agréer, &c.

C. E. KING.

The President of the Cameroun Republic to Her Majesty's Ambassador at Yaoundé

Yaoundé, 1e 27 septembre, 1961.

Excellence,

J'ai l'honneur d'accuser réception de la lettre en date de ce jour, par laquelle Votre Excellence a voulu me faire connaitre ce qui suit:

[As in the letter above from Her Majesty's Ambassador]

Je constate que, conformément à la Résolution sus-visée, le Cameroun Méridional se joindra à la République du Cameroun le 1er Octobre prochain et que par conséquent l'administration sous-tutelle britannique de ce Territoire cesse de s'exercer le 30 septembre 1961 à minuit.

Veillez agréer, &c.
A. AHIDJO

Note

The Anglo-Nigerian Exchange of Letters and the Anglo-Camerounese Exchange of Notes are reproduced from Ian Brownlie, pp. 580-581. See also 166 B.F.S.P. 115; 478 U.N.T.S. 3; Cmnd. 1567; and 166 B.F.S.P. 102. Brownlie makes the following note: "References to sections of the alignment appear in the following: The British Cameroons Order in Council, 1923; 117 B.F.S.P. 60; and the Northern Region, Western Region and Eastern Region (Definition of Boundaries) Proclamation, 1954; L.N. 126 of 1954. In particular, the alignment between Boundary Pillar No. 64 on the River Gamana and the Kombon mountain depends exclusively upon the British administrative division between the northern and southern Cameroons set out in the Second Schedule of the Order in Council of August 2, 1946; 146 B.F.S.P. 298 ... Other instruments referring to these units are the Southern Cameroons (Constitution) Order in Council, 1960, SI. 1960 No. 1654; the U.K.—Nigerian Exchange of Letters, May 29, 1961 (above); and the U.K.—Cameroun Exchange of Notes, September 27, 1961."

Chapter Four

Legislation Establishing Courts of Justice

Magistrates' Courts

Supplement to Southern Cameroons Gazette Extraordinary No. 21, Vol. 1, 26th November 1955 – Part A

Magistrates' Courts (Southern S.C. No. 6 of 1955 Cameroons) Law, 1955

The Magistrates' Courts (Southern Cameroons) Law, 1955

Arrangement of Sections

PART I. – Preliminary

Section

1. Short title and commencement
2. Interpretation

PART II. Establishment of Magistrates' Courts

3. Power to divide the Southern Cameroons into districts
4. Establishment and jurisdiction of Magistrate's Court in each district
5. Presiding officer shall not exceed powers granted him

PART III. Officers of The Court

6. Appointment of magistrates
7. Territorial jurisdiction of magistrates
8. Magistrates *ex officio* justices of the peace
9. Duties of a Chief Magistrate
10. Procedure when magistrate personally interested in a case before him
11. Appointment and removal of justices of the peace
12. Powers and functions of justices of the peace
13. Governor may confer power of a magistrate upon justice of the peace
14. Justice of the peace shall not exceed powers granted him
15. Appointment of registrar
16. Control of registrar
17. Duties of registrar

PART IV. – Jurisdiction of The Courts

18. Civil jurisdiction of chief magistrates
19. Criminal jurisdiction of chief magistrates
20. Criminal jurisdiction of magistrates of the first, second and third grades
21. Conditions under which magistrate may deal summarily with offences
22. Special jurisdiction in certain cases
23. Power of Governor-General to increase jurisdiction of magistrates
24. General powers of magistrates
25. Acts of magistrates not affected by error as to venue
26. Magistrate to have process of High Court executed
27. Proceedings by or against officer of the court
28. Administration of oaths

Law to Be Administered

29. Extent of application of law of England
30. Law and equity to be concurrently administered, but equity to prevail in certain cases
31. Application of native laws and customs

Reconciliation

32. Courts to promote reconciliation
33. In pending civil cases
34. In criminal cases

Credit to Natives

35. Credit to natives

Power to Transfer

36. Transfer between magistrate in same district
37. Magistrate may report causes for transfer
38. Transfer to native court
39. Restriction on transfer
40. Transfer of causes by a judge
41. Effect of order of transfer
42. No appeal from order of transfer

Revision

43. Monthly lists to be sent to judge

PART V. – Sittings of The Court

44. Fixing of times and places for sittings of courts

45. Nature of business at any sitting

46. Adjournment of the court

47. Adjournment over Sunday or holiday

48. Change of place of hearing

Venue

49. Venue in civil cases

PART VI. – Practice And Procedure of The Court

50. Practice and procedure

51. Pleading judgments of other courts in defence

52. Completion by magistrate of process begun by predecessor

53. Process of magistrate valid

54. Issue of process

55. Inspection

56. Duty of police to obey magistrate

Determination by Magistrate

57. Trial by magistrate

Recording of Proceedings

58. Magistrate to keep notes of evidence and minutes of proceedings

59. Examination of witnesses

Arbitration

60. Power of magistrate to refer to arbitration

61. Powers of magistrates to refer to referee

Witnesses

- 62. Service of summons to witnesses
- 63. Forfeiture for neglecting witness summons
- 64. Evidence of prisoners

Absconding Defendant

- 65. Apprehension of absconding defendant and procedure thereon
- 66. Defendant may be freed by nearest magistrate if arrested out of jurisdiction

Addresses

- 67. Addresses

Judgment

Giving of Judgment

- 68. Giving of judgment on conclusion of hearing
- 69. Judgment in action for recovery of chattel
- 70. What orders to be made
- 71. Decree to be obeyed without demand
- 72. Payment and suspension of judgments and orders
- 73. Execution and power to stay execution

Finality of Judgment

- 74. Judgments How Far Final

Costs

- 75. Apportionment and payment of costs

Setting Aside of Judgment and New Trial

- 76. Setting aside of judgment given in absence of a party
- 77. Relisting of causes struck out

Unclaimed Money in Court

78. Suitors' money unclaimed for six years to be forfeited and go to general revenue

Evidence of Record of Proceedings

79. Entries of copies intended to be admissible as evidence

PART VII. – Appeals

80. Right of appeal from decisions and judgments of magistrates
81. Appeal not to operate as stay of execution

Right of Appeal in Criminal cases

82. Right of appeal in criminal cases where plea of not guilty
83. Right of appeal against sentence
84. Appeal against acquittal or dismissal
85. No appeal in respect of preliminary inquiry

Right of Appeal in Civil cases

86. Right of appeal in civil proceedings
87. Procedure on appeal from *ex parte* order

Procedure on Appeal in Criminal Cases

88. Notice of appeal to be given and limitation of time
89. Verbal notice of appeal in court
90. Copy of proceedings and judgment to be furnished on payment or in certain cases free
91. Memorandum of grounds of appeal
92. How prisoner may appeal
93. Copies to be filed for service
94. Grounds of appeal
95. Grounds of appeal to be clearly set forth
96. Giving security to prosecute the appeal
97. Procedure when appellant defaults in prosecuting appeals. Cap. 43
98. Where surety not found or money not deposited
99. Abatement of appeals

Procedure on Appeal in Civil cases

100. Civil appeals to be in accordance with rules

Hearing and Judgment

101. Mode of taking additional evidence

102. Enforcing judgment

Miscellaneous Provisions

103. Application to appeal court to compel magistrate to entertain complaint

104. Case stated during hearing of case

105. General power in Legal Secretary to require a case to be stated

106. Contents of case stated

107. Reservation of question of law for opinion of High Court

108. Power to make rules

PART VIII. – Miscellaneous Provisions

Fee and Costs

109. Fees and costs

110. By whom fees payable

111. All fees and moneys received in courts to be subject to the foregoing provisions

Protection of Magistrates, Justices of the Peace and Officers of the Court

112. Protection of judicial officers

Representation of Parties

113. Right of appearance of legal practitioners

114. Representation of the Crown and Government departments

115. Representation of native authority

PART IX. – Rules of Court

116. Rules of court

PART X. – Transitional Provisions

- 117. Saving of pending proceedings
- 118. Reference in other enactments to magistrates' courts to be references to courts established under this law
- 119. Saving of existing appointments
- 120. Savings as to causes transferred from native courts
- 121. Savings as to 'part-heard' causes
- 122. Meaning of 'part-heard'
- 123. Repeal of Caps. 122, 123, and 124.

Assented to in Her Majesty's name this 27th day of October, 1955

J. W. ROBERTSON
Governor-General

(L.S.)

No. 6 Southern Cameroons 1955

IN THE FOURTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN ELIZABETH II SIR **JAMES WILSON ROBERTSON**,
K.C.M.G., K.B.E.
Governor-General and Commander-in-Chief

A LAW FOR THE ESTABLISHMENT OF MAGISTRATES' COURTS
FOR THE SOUTHERN CAMEROONS, AND FOR THE
APPOINTMENT OF MAGISTRATES, JUSTICES OF THE PEACE
AND OF THE OFFICERS OF COURT, AND FOR OTHER
PURPOSES RELATING TO THE ADMINISTRATION OF JUSTICE.

Be It Enacted by the Legislature of the Southern Cameroons as follows:-

PART I. – Preliminary

1. This Law may be cited as the Magistrates' Courts (Southern Cameroons) Law, 1955, and shall come into operation on a date to be appointed by the Governor-General by notice in the *Southern Cameroons Gazette*.

2. In this Law –

“action” means a civil proceeding commenced by summons or in such other manner as may be prescribed by rules made under this law and includes a criminal proceeding;

“appeal court” means the Southern Cameroons High Court;

“cause” includes any action, suit or other original proceeding between a plaintiff and a defendant, and any criminal proceeding;

“Chief Justice” means the Chief Justice of the Southern Cameroons High Court;

“civil proceedings” means all civil actions triable by a magistrate and all proceedings in relation to the making of an order for the payment of a sum of money, or for the doing or abstaining from doing of any act or thing not enforceable by fine or imprisonment in the first instance;

“Constitution Order” means the Nigeria (Constitution) Order in Council, 1954;

“court” means a magistrate’s court established under the provisions of this Law;

“criminal” includes quasi-criminal, and, with reference to matters of jurisdiction, comprehends all such matters not falling within the term “civil”;

“defendant” includes every person served with any summons or process, or served with notice of, or entitled to attend, any proceedings in a civil cause, and also every person charged under any process of the court with any crime or offence;

“district” means any magisterial district which may be constituted under the provisions of this Law;

“High Court” means the Southern Cameroons High Court;

“judge” means a judge of the High Court and includes the Chief Justice;

“justice of the peace” means a justice of the peace appointed under the provisions of this Law;

“Legal Secretary” means the Legal Secretary of the Southern Cameroons;

“magistrate” and “magistrate’s court” mean a Chief Magistrate or a magistrate and a court appointed or established under the provisions of this Law;

“matter” includes every proceeding in the court not in a cause;

“native law and custom” includes Moslem law;

“plaintiff” includes every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether summons, petition or otherwise;

“registrar” means a registrar appointed under the provisions of this Law and includes a deputy registrar;

“suit” includes action, and means a civil proceeding commenced by summons or in such other manner as may be prescribed by rules of court, and does not include a criminal proceeding;

“summary conviction offence” means any offence punishable on summary conviction before the court, and includes any matter in respect of which the court can make an order in respect of its summary criminal jurisdiction;

“written law” has the same meaning as in the Interpretation Ordinance, but in addition shall include the Nigeria (Constitution) Order in Council, 1954.

PART II. – Establishment of Magistrates’ Courts

3. The Chief Justice may –

(a) divide the Southern Cameroons, or any portion thereof, into magisterial districts for the purposes of this Law;

(b) constitute any part of the Southern Cameroons a magisterial district for the purposes of this law;

(c) distinguish such districts by such names or numbers as he may think proper; and

(d) vary the limits of any such districts.

4. (1) In each district there shall be and there is hereby established a court, to be called the Magistrate’s Court.

(2) Each such court shall have such jurisdiction as is conferred upon it by this Law or any other written law subject nevertheless to the limitations imposed by the Constitution Order and particularly by sections 144 and 152 thereof.

5. (1) Subject to the provisions of this Law –

the magistrate of each district shall be the presiding magistrate of the court of such district wherein he shall have and exercise all the jurisdiction and powers conferred upon him by his appointment; and

no magistrate either as presiding officer or otherwise shall exercise any jurisdiction and powers in excess of those conferred upon him by his appointment.

(2) When the Chief Justice assigns two or magistrates to any district, each magistrate shall be a presiding magistrate of the court of such district, and each sitting separately shall have and exercise all the jurisdiction and powers conferred upon him by his appointment.

PART III. – Officers of The Court

6. The Governor-General shall have power to appoint magistrates who shall be styled Chief Magistrates, and First, Second and Third Grade Magistrates, and may appoint any fit and proper person to be a magistrate of such grade as he thinks fit.

7. (1) Every magistrate shall have jurisdiction throughout the Southern Cameroons unless his appointment is specifically limited to the area of any district, or group of districts, but may be assigned to any specified district or transferred from one district to another by the Chief Justice.

(2) A Chief Magistrate may be assigned by the Chief Justice to a specified district and, in addition, to a group of districts of which such specified district forms part.

8. Every magistrate shall be *ex officio* a justice of the peace for the Southern Cameroons.

9. (1) In addition to any other duty conferred by this Law it shall be the duty of a Chief Magistrate who is assigned to a group of districts to ensure as far as is practicable the even distribution of work and the expeditious disposal of all legal business pending in the districts within his group, and to take such steps as may be necessary to relieve congestion in any court within such group.

(2) Notwithstanding the provisions of subsection (1) of section 7 a Chief Magistrate who is assigned to a group of districts may direct a magistrate in one district within the group to assist another magistrate in another district within the group, and may direct to the best advantage the movements of any additional magistrate within the group, who is assigned to assist in the disposal of arrears of cases.

10. Where a magistrate is a party to any cause or matter, or is unable, from personal interest or for any other sufficient reason, to adjudicate on any cause or matter, the Chief Justice shall direct some other magistrate to act instead of such aforesaid magistrate for the hearing and determination of such particular cause or matter, or may direct that such cause or matter shall be heard and determined in a court of any other district.

11. (1) The Governor-General may appoint any person to be a justice of the peace in and for the Southern Cameroons or in and for such part of the Southern Cameroons as the Governor-General may specify, and the Governor-General may remove any person so appointed from the office of justice of the peace.

(2) Every administrative officer shall *ex officio* be a justice of the peace for the area of the Southern Cameroons to which he is for the time being appointed as such officer.

12. Subject to the provisions of this Law and of any other written law every justice of the peace shall, subject to any exceptions which may be contained in the appointment, within the area in and for which he holds such office, have –

(a) power to preserve the peace, to suppress riots and affrays, and to disperse all disorderly and tumultuous assemblies, and for any of these purposes to call in the aid and assistance of police officers and others who shall severally be bound to obey all such lawful commands;

(b) all the powers, rights and duties of a magistrate under this or any other written law to –

(i) issue summonses and warrants for the purpose of compelling the attendance of accused person or persons as witnesses before a court;

(ii) issue summonses and other process in civil causes;

(iii) admit to bail persons who are accused but not convicted of crime or remand them to a magistrate's court;

(iv) issue search warrants;

(v) take solemn affirmations and statutory declarations;

(vi) administer any oath which may be required to be taken before him in the exercise of any of the jurisdiction and power conferred upon him by law;

(vii) such other powers and rights and perform such duties of magistrates as may be conferred or imposed upon him by rules of court made under the provisions of this or any other written law not involving the trial of causes or, in criminal cases, the holding of preliminary investigations.

13. If a magistrate is not available for the court in any district, or where in any district the Governor-General for any other reason considers it necessary to do so, the Governor-General may by appointment confer upon any person being a justice of the peace such powers of a magistrate as he shall think fit and until the Governor-General revokes the appointment such person shall be deemed to be a magistrate with such powers in and for district.

14. Where a justice of the peace is appointed magistrate under section 13 and such person has had conferred upon him part only of the powers of a magistrate such person shall not when presiding over a magistrate's court exercise any power in excess of the powers conferred upon him.

15. The Chief Justice may appoint a fit and proper person to be the registrar of each court.

16. The registrar shall, subject to the general supervision and control of the Chief Justice, be under the immediate direction and control of the magistrate.

17. The duties of the registrar shall be –

(a) to attend at such sittings of the court as the magistrate shall direct;

(b) to fill up or cause to be filled up summonses, warrants, orders, convictions, recognisances, writs of execution and other documents and submit the same for the signature of the magistrate;

(c) to make or cause to be made copies of proceedings when required to do so by the magistrate and to record the judgments, convictions and orders of the court;

(d) to receive or cause to be received all fees, fines and penalties, and all other monies paid or deposited in respect of proceedings in the court and to keep or cause to be kept accounts of the same; and

(e) to perform or cause to be performed such other duties connected with the court as may be assigned to him by the magistrate.

PART IV. – Jurisdiction of The Courts

18. (1) Subject to the provisions of this Law and of any other written law, a chief magistrate shall have and exercise jurisdiction in civil causes or matters –

(a) in all personal suits, whether arising from contract, or from tort, or from both, where the debt or damaged claimed, whether as balance claimed or otherwise, is not more than five hundred pounds;

(b) in all suits between landlord and tenant, for possession of any lands or houses claimed under agreement or refused to be delivered up, where the annual value or rent does not exceed five hundred pounds;

(c) in all actions for the recovery of any penalty, rates, expenses, contribution or other like demand which is recoverable by virtue of any written law for the time being in, if –

(i) it is not expressly provided by that or any other written law that the demand shall be recoverable only in some other court; and

(ii) the amount claimed in the action does not exceed five hundred pounds; Provided that for the purposes of this sub-paragraph the expression “penalty” does not include a fine to which any person is liable on conviction;

(d) in all cases of proceedings in respect of which jurisdiction has been conferred upon a magistrate’s court by the Land and native Rights Ordinance or by any other written law;

(e) to appoint guardians *ad litem* and to make such orders and to issue and give directions relating thereto;

(f) to grant in any suit instituted in the courts injunction or orders to stay waste or alienation or for the detention and preservation of any property the subject of such suit, or to restrain breaches of contracts or torts.

(2) (a) Subject to the provisions of paragraph (d) of subsection (1) and of any other written law a chief magistrate shall not exercise original jurisdiction in any suit or matter which –

(i) raises any issue as to the title to land, or to any interest in land;

(ii) raises any issue as to the validity of any devise, bequest or limitation under any will or settlement;

(iii) is subject to the jurisdiction of a native court relating to marriage, family status, guardianship of children, inheritance or disposition of property on death.

(b) the provisions of paragraph (a) shall have effect except –

(i) in so far as the Governor-General may by order otherwise direct;

(ii) in suits transferred to a magistrate's court under the provisions of the Native Courts Ordinance.

(3) Magistrates of the first, second and third grades shall have and exercise jurisdiction in civil causes or matters similar in all respects to that set out in subsections (1) and (2) save that such jurisdiction, in causes or matters where the subject-matter in dispute is capable of estimation at a money value, shall be limited to causes or matters in which such subject-money does not exceed in amount or value two hundred pounds in the case of a magistrate of the first grade, one hundred pounds in the case of a magistrate of the second grade, and twenty-five pounds in the case of a magistrate of the third grade.

(4) Where in any action the debt or demand consists of a balance not exceeding five hundred pounds, two hundred pounds, one hundred pounds or twenty-five pounds, as the case may be, after an admitted counter-claim or set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff a magistrate shall have jurisdiction and power to hear and determine such action within the limits of his personal jurisdiction and power.

19. Subject to the provisions of this and of any other written law, a chief magistrate shall have full jurisdiction in criminal causes and powers as hereinafter set forth –

(1) For the summary trial and determination of criminal cases as follows –

(a) where any person is charged with committing an offence or with doing any act or with omitting to do any act required by law, the commission or omission of which is in any case punishable either by fine not exceeding five hundred pounds or by imprisonment not exceeding five years or by both: power to impose the punishment specified by law;

(b) (i) where any person is charged with committing an offence or with doing any act or with omitting to do any act required by law, the commission or omission of which is stated by the enactment declaring such to be both an offence and to be one punishable or triable or liable to be dealt with on summary conviction or summarily or in a summary manner: power to award the maximum sentence of imprisonment and to order the payment of the maximum fine or penalty to forfeiture provided by such enactment or both such imprisonment and such fine or penalty or forfeiture where by law both may be imposed;

(ii) where any enactment provides that an order for the payment of money may be made on summary conviction or summarily or in a summary manner in respect of any act or omission: power to order the payment of the sum which may be ordered according to the provisions of the enactment providing for the making of the order;

(c) where any person is charged with committing an offence or with doing any act or with omitting to do any act required by law, the commission or omission of which is an offence, not stated to be triable on summary conviction or summarily or in a summary manner, and stated by the enactment declaring such to be such an offence that is punishable either by a fine exceeding five hundred pounds or by imprisonment exceeding five years or both, but taking into account the circumstances of the particular offence with which such person is charged and the character and antecedents of the accused himself the court is of the opinion that the charge then before the court is one of such a nature that, if proved, it would be adequately punished by any of the following punishments –

(i) imprisonment for not more than five years;

(ii) a fine not exceeding five hundred pounds, such fine to be enforced in default of payment by distress or by imprisonment for not more than five years;

(iii) in each of the above cases with or without whipping, and any additional or alternative punishment in respect of offences for which such punishment may legally be inflicted;

(iv) any lesser penalty or order which a magistrate in the exercise of his summary jurisdiction may impose or make: power to impose such punishment:

Provided that the person so charged, if the magistrate decides to proceed in accordance with Paragraph (c) of subsection (1), shall be informed by the magistrate before any evidence is taken of his right to be tried in the High Court and such person consents to be tried by the magistrate:

Provided further that if the magistrate shall not so inform the person charged the trial shall be null and void *abs initio* unless the person charged consents at any time before being called upon to make his defence to being tried by the magistrate, in which case the trial shall proceed as if the person charged had consented to being tried by the magistrate before the magistrate proceeded to hear evidence in the case.

(2) To receive and inquire into all charges of indictable offences, and to make such orders in respect thereof as may be required by the provisions of any written law for the time being in force in relation to the procedure in respect of indictable offences; and

(3) Generally to do all such acts and things as may, by any written law which is now or may hereafter be in force, lawfully appertain to the office of a magistrate.

20. Subject to the provisions of this Law and of any other written law the jurisdiction and powers of magistrates of the first, second and third grades in criminal cases shall be as follows –

(a) magistrates of the first grade: all those set out in section 19, save that the maximum fine of not exceeding five hundred pounds and the maximum period of imprisonment of not exceeding five years mentioned in that section shall be replaced by a sum of not exceeding two hundred pounds and a period of not exceeding two years and such limitation shall extend to any cause or matter whether or not the offence be one declared to be punishable or liable to be dealt with on summary conviction or summarily or in a summary manner;

(b) magistrates of the second grade: all those set out in paragraph (a) herein save that the maximum fine and the maximum period of imprisonment shall in no cause exceed a sum of one hundred pounds or a period of one year's imprisonment respectively;

(c) magistrates of the third grade: all those set out in paragraph (a) herein save that the maximum fine and the maximum period of imprisonment shall in no cause exceed a sum of twenty-five pounds or a period of three months' imprisonment respectively.

21. For the avoidance of doubts it is hereby declared that sections 19 and 20 confer power on a magistrate of any grade to deal summarily with any offence other than a capital offence subject to the following conditions –

(a) if the offence is one within the terms of paragraph (c) of subsection (1) of section 19, the magistrate shall without fail before any evidence is taken inform the person charged of his right to trial in the High Court and if such person wishes to exercise his right of consent to trial by the magistrate he shall do so at the latest before being called upon to make his defence;

(b) if the person charged shall be convicted, the magistrate in imposing sentence shall not award a punishment in excess of the criminal jurisdiction as to fine and imprisonment prescribed in respect of the grade to which he has been appointed.

22. Where an offence is committed or any cause or matter arises over which a magistrate has jurisdiction, in any ship, boat or canoe, such offence may be prosecuted or such cause or matter heard and determined either by the magistrate exercising jurisdiction over the place where the ship, boat or canoe may be at the time when the offence was committed or the cause or matter arose, or by the magistrate exercising jurisdiction over the place at which the ship, boat or canoe may call after the commission of the offence or arising of the cause of matter.

23. (1) The Governor-General may, on the recommendation of the Chief Justice, by writing under his hand authorize an increased jurisdiction in civil and criminal matters, or in both, to be exercised by any magistrate to such extent as the Chief Justice may on such recommendation specify. Such authority may at any time be revoked by the Governor-General in writing under his hand.

(2) An order by the Governor-General under the preceding subsection authorising an increased jurisdiction in criminal matters to be exercised by any magistrate shall specify the maximum fine and the maximum period of imprisonment which is to replace the maximum sums and periods mentioned in sections 18, 19 and 20, and on such order being made the jurisdiction of such magistrate under sections 18, 19 or 20 as the case may be, shall be deemed to be increased by the substitution of the maximum fine and period of imprisonment so specified at each of the places where a particular sum, fine or period of imprisonment is mentioned in the said sections.

(3) an order under subsection (1) may authorize increased jurisdiction in respect of –

(a) offences under a named Ordinance or Law or under named Ordinances or Laws;

(b) offences specifically referred to under a named Ordinance or Law or under named Ordinances or Laws;

(c) a particular offence for which a person is or persons are then charged.

24. Every magistrate shall have power to issue writs of summons for the commencement of actions in the High Court, to administer oaths and to take solemn affirmations and declarations, to accept production of books and documents and to make such decrees and orders and issue such process and exercise such powers, judicial and administrative, in relation to the administration of justice, as shall from time to time be prescribed by any written law or subject thereto by any special order of the Chief Justice.

25. (1) No act done by or under the authority of a magistrate shall be void or impeachable by reason that such act was done, or that any act, offence or matter in respect thereof, or in relation to which such act was done, occurred or was situate beyond the limits of the district of the jurisdiction of such court.

(2) If the defendant in any civil or criminal cause wherein any objection as to venue might but for this enactment be an of force, shall at or before, but not after, the time when he is required to state his answer to or plead in such cause or matter before the court, allege specially any such objection, the court shall consider the same, and if there is prima facie proof of the objection the magistrate shall report such cause or matter to a judge and the judge shall make an order directing where the cause or matter shall be heard and determined, and such order shall not be subject to appeal.

26. Every magistrate shall, when required by the High Court, cause to be executed any writ or order or process issuing from the High Court, and shall take security from any person named in a writ or order for his appearance in the High Court, and shall in default of security being given or when the High Court so orders, send the person to the place named in the writ.

27. Subject to the provisions of section 10, any civil or criminal proceedings by or against any magistrate or officer of the magistrate's court for any offence or matter cognizable by a magistrate's court may be brought in the court or any other district, before a magistrate having jurisdiction and power in the case of any particular proceeding.

28. (1) Every magistrate and every justice of the peace is hereby authorised to administer all oaths which may be required to be taken before him in the exercise of any of the jurisdiction and powers conferred upon him by this Law or any other written law.

(2) Any such oath may also be administered by the registrar or other officer of the court under the direction and in the presence of the magistrate.

Law to Be Administered

29. Subject to the provisions of this Law or any other written law, the common law, the doctrines of equity and the statutes of general application which were in force in England on the first day of January, 1900, shall in so far as they relate to any matter with respect to which the Legislature of the Southern Cameroons is for the time being competent to make laws, be in force within the jurisdiction of the courts constituted by this Law.

30. (1) In any civil cause or matter which shall come in dependence in any of the courts constituted by this Law and equity shall be administered concurrently.

(2) A magistrate in the exercise of the jurisdiction vested in him by this Law shall have power to grant, and shall grant either absolutely or on such reasonable terms and conditions as shall seem fit, all such remedies or relief whatsoever, interlocutory or final, as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim or defence properly brought forward by them respectively, or which shall appear in such cause or matter: so that as far as possible all matters in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided.

(3) In all causes or matters in which there is any conflict or variance between the rules of equity and the rules of common law with reference to the same subject the rules of equity shall prevail.

31. (1) A magistrate shall observe and enforce the observance of every native law and custom which is not repugnant to natural justice, equity and good conscience, nor incompatible either directly or by implication with any law for the time being in force, and nothing in this Law shall deprive any person of the benefit of such native law and custom.

(2) Such laws and customs shall be deemed applicable in causes and matters where the parties thereto are natives, and also in causes and matters between natives and non-natives where it may appear to the court that substantial injustice would be done to either party by a strict adherence to the rules of English law.

(3) No party shall be entitled to claim the benefit of any native law and custom, if it shall appear either from express contract or from the nature of the transactions out of which any suit or question may have arisen, that the party agreed that his obligations in connection with such transactions shall be regulated exclusively by English law or that such transactions are transactions unknown to native law and custom.

(4) In cases where no express rule is applicable to any matter in controversy, the court shall be governed by the principles of justice, equity and good conscience.

Reconciliation

32. In civil cases magistrates and their officers shall, so far as there is proper opportunity, promote reconciliation among persons over whom such magistrates have jurisdiction and encourage and facilitate the settlement in an amicable way and without recourse to litigation of matters in difference between them.

33. Where a civil suit or proceeding is pending, the magistrate may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.

34. In criminal cases a magistrate may promote reconciliation, and encourage and facilitate the settlement in an amicable way, of proceedings for common assault or for any other offence not amounting to felony and not aggravated in degree, on terms of payment of compensation or other terms approved by him, and may thereupon order the proceedings to be stayed.

Credit to Natives

35. Magistrates shall not enforce against a native living in any area specified by the Governor-General by Order under this section, which Order the Governor-General is hereby empowered to make, any obligation incurred by him towards a non-native in respect of a commercial transaction, so

far as it is based on credit, if it shall appear to the court in its discretion that the native was not reasonably aware of the nature of the obligation and the consequence of failure to perform the same.

POWER TO TRANSFER

36. When the Chief Justice assigns two or more magistrates to any district, any such magistrate within such district may, at any stage of the proceedings before final judgment, transfer, within the limits of such district, any cause or matter before him to any other such magistrate and such cause or matter shall be commenced *de novo*, inquired into, tried and disposed of by any magistrate of competent jurisdiction to whom it has been conferred as if it had been instituted before him;

Provided that no cause or matter which has been specifically transferred by the High Court for inquiry or trial by a particular magistrate shall again be transferred without leave of the Chief Justice.

37. A magistrate may, of his own motion, or on the application of any person concerned, report to a judge the pendency of any cause or matter, civil or criminal, which in the opinion of such magistrate ought for any reason to be transferred from his court to any other magistrate's court or to the High Court. Such judge shall direct in what mode and where the cause or matter shall be heard and determined.

38. Subject to the provisions of section 39, a magistrate may at any stage of the proceedings before final judgment by order direct that any cause or matter pending before him be transferred to a native court having jurisdiction in such cause or matter. The magistrate shall inform such native court in writing of his reasons for making such order.

39. (1) A magistrate shall not transfer to a native court –

(a) any matrimonial cause arising out of or in connection with a marriage contracted under the Marriage Ordinance, Cap. 128; or

(b) a cause or matter which has been transferred to his court by the High Court.

(2) A magistrate shall not save by leave of a judge retransfer to a native court a cause or matter which has been transferred to a magistrate's court by an administrative office in accordance with the provisions of the Native Courts Ordinance.

40. (1) To the extent that the Legislature of the Southern Cameroons is enabled to confer such power, the Chief Justice or a judge may at any time and at any stage thereof before judgment transfer any cause or matter before a magistrate's court to any other magistrate's court or to the High Court and such cause or matter may be transferred either entirely or in respect of any part thereof or procedure required to be taken therein.

(2) The power of transfer shall be exercised by means of an order under the hand of the Chief Justice or a judge, as the case may be, and seal of the court, and may apply either to any particular cause or causes, matter or matters in dependence either entirely or in respect of any part thereof or procedure required to be taken therein, or generally to all such causes or matters as may be described in such order, and in the latter case may extend to future causes or matters as well as to such as may at the time of making such orders be in dependence.

(3) The Chief Justice or judge, as the case may be, may at all times cancel, alter, add to or amend any such order.

(4) The Chief Justice or judge, as the case may be, may if it appear expedient, telegraph in the first instance the contents of any such order made by him, and such telegram shall, until receipt of the said order, have the same validity and effect as if it were the same order.

41. Every order of transfer shall operate as a stay of proceedings before the magistrate from whom the proceedings are ordered to be transferred in any cause or matter to which the order extends or is applicable, and the process and proceedings in every such cause or matter, and an attested copy of all entries in the books of the court relative thereto, shall be transmitted to the court to which the same shall be transferred and thenceforth all proceedings in the cause or matter shall be taken in such court as if the cause or matter had been commenced therein.

42. No order made under the provisions of section 36, 37, 38 or 40 of this Law shall be subject to appeal.

REVISION

43. (1) The Chief Justice may require specified magistrates or all magistrates to forward at the expiration of every calendar month to the Chief Justice or to such other judge as the Chief Justice may designate, in such form as rules of court may direct, a list containing all criminal cases or specified criminal cases decided by or brought before such magistrates.

(2) Upon receipt of such list the Chief Justice or a judge, may, if he thinks fit, call for a copy of the record of any case included therein, and, either without seeing such record or after seeing such record as he may determine, and either without hearing argument or after hearing argument as he may determine –

(a) subject to any enactment fixing a minimum penalty, reduce a sentence or modify an order in such form as he thinks fit; or

(b) annul the conviction, in which case the person under detention shall forthwith be set at liberty, or in the case of a fine such fine, if already paid, shall be refunded to the person fined, or if security has been required and has been given he shall be freed from such security; or

(c) annul the conviction and convict the accused of any offence of which he might have been convicted on the evidence, and sentence him accordingly; or

(d) annul the conviction and substitute a special finding to the effect that the accused was guilty of the act or omission charged but was insane so as not to be responsible for his action at the time when he did the act or made the omission, and order the accused to be confined as a criminal lunatic in a lunatic asylum, prison, or other suitable place of safe custody and shall report the case for the order of the Governor-General; or

(e) order a new trial before the court which passed sentence or before any other court; or

(f) order further evidence to be taken either generally or on some particular point by the court which passed sentence or by any other court, and order in the mean time any person who shall have been convicted and imprisoned to be liberated on bail or on his own recognizance; and

(g) make any other order as justice may require, and give all necessary and consequential directions:

Provided that when a person convicted shall have appealed against such conviction, or when the magistrate shall have reserved any point of law for the consideration of the High Court and shall have stated a case thereon, the judge shall not exercise the power by this section conferred until after the conclusion of the proceedings upon such appeal or case stated.

(3) When action upon the list as prescribed in subsection (2) is complete or if the judge shall decide to take no such action, he shall direct that the list be filed; but such direction shall not have the effect of preventing him or his successor from subsequently taking any action prescribed in subsection (2) if he shall think fit:

Provided that three months after the last day of the month to which the list relates such judge shall become *functus officio* in respect of all cases upon the list in respect of which he shall not up till then have taken any action.

PART V. Sittings of The Court

44. The Chief Justice may, by notice, appoint the times and places for the sittings of the courts and may in like manner alter any such times and places.

45. At any sitting of the court it may hear, determine and deal with either civil or criminal causes and matters, or both.

46. (1) The magistrate may adjourn the court from day to day or to convenient day.

(2) If the magistrate is not present at the time and place appointed for any sitting of the court, an officer of the court or any other person authorised in that behalf by the magistrate may, by public notice written or oral, adjourn the sitting until such time and to such place as may have been communicated to him by the magistrate and, in the absence of any such communication, to such time and to such place as may be convenient; and all persons bound to be present at the sitting so adjourned shall be equally bound to be present at the time and place appointed by such notice.

(3) In the absence of any such notice and of any notification to the contrary, all such persons shall be bound to be present at the next succeeding time appointed as aforesaid or otherwise for the sitting of the court in the same place

(4) In all cases of adjournment a magistrate may summon the parties to appear before the court before the expiration of the period to which the case was adjourned.

47. When any date appointed for the sitting or adjourned sitting of the court falls on a Sunday or public holiday, the magistrate shall in such case, if practicable, attend and transact the business appointed to be heard at such sitting as aforesaid on the day (not being a Sunday or public holiday) next after the day appointed for such sitting.

48. Subject to the provisions of section 44, the court shall be held only at a place appointed for the sitting of the court; but, on the application of either party or otherwise, the hearing of any case appointed for one such place may, in the discretion of the magistrate, be appointed to be taken by him at another such place within or without the district.

VENUE

49. (1) Subject to the provisions of this Law and of any other written law civil proceedings shall be commenced in the court of a magistrate having jurisdiction in the magisterial district in which –

(a) the defendant or any one of the defendants resides or carries on his business at the time of commencing the action; or

(b) the cause of action or claim arose wholly or in part; or

(c) the subject-matter of the action is.

(2) In any case where, under the provisions of section 37 or section 40 of this Law, any order has been made for the transfer of any proceedings from the court in which they were instituted or commenced to any other court, such last-mentioned court shall, notwithstanding anything contained in subsection (1) of this section, have jurisdiction to hear and determine those proceedings.

PART VI. Practice and Procedure of The Court

50. The practice and procedure of the court –

(a) in its civil jurisdiction shall be regulated by Rules made by the Chief Justice;

(b) in its criminal jurisdiction shall be regulated by the provisions of the Criminal Procedure Ordinance;

(c) where any claim is made to any immovable taken in execution under the process of the court whether civil or criminal, shall be as prescribed in any written law relating thereto.

51. (1) A judgment of any of the following courts, that is to say, the Federal Supreme Court or any court which is or may be established within the Northern Region, the Western region, the Eastern Region, or the Federal Territory of Lagos, in favour of any party to any cause or matter before such court may, in respect of the same subject-matter, be pleaded as a defence to any proceedings commenced in any magistrate's court in the Southern Cameroons by the unsuccessful party to such cause or matter.

(2) Nothing in this section shall be taken to prevent any judgment, other than a judgment referred to in subsection (1), being pleaded as a defence if such judgment could have been so pleaded in a magistrate's court immediately before the commencement of this Law.

52. Where a magistrate has issued any summons or warrant or otherwise taken or commenced any proceeding or matter, whether civil or criminal under any authority however conferred, and subsequently ceases to act as such magistrate, it shall be lawful for the person in whose hands such summons or warrant may be to execute or serve the same in the same manner as if the magistrate who issued the summons or warrant had not ceased to act as such magistrate, and any successor of such magistrate, or any person acting for such magistrate, may hear, determine, execute, enforce and carry to completion any proceeding or matter so commenced as aforesaid, save that such magistrate shall commence the trial of any such case or matter *ab initio*.

53. All summonses, warrants, orders, judgments, writs of execution, or other process or proceeding, whether civil or criminal issued or taken by or by the authority of any magistrate respecting any cause or matter within his jurisdiction shall have full force and effect, and may be served or executed, anywhere within the Southern Cameroons, by a bailiff of a court or by a member of a police force to whom the same are directed or by any other member of a police force, or outside the Southern Cameroons in such a manner as may be prescribed by any Federal Ordinance or by the law of any other part of the Federation of Nigeria.

54. (1) All summonses, warrants, orders, convictions, recognisances and other process in criminal proceedings shall subject to the provisions of section 12, be signed by a magistrate or such other officer as may be prescribed by rules of court made under section 116.

(2) Every summons or other process in a civil proceeding shall, subject to the provisions of section 12, be signed either by a magistrate or if the magistrate shall so direct, by the registrar of the magistrate's court.

55. In any cause or matter a court may on the application of either party, or of its own motion, make such order for the inspection by the court, the parties or witnesses, of any movable or immovable property, the inspection of which may be material to the proper determination of the question in dispute and give such direction regarding such inspection as the court may think fit.

56. All police officers are hereby authorised and required to obey the warrants, orders and directions of a magistrate in the exercise of his criminal jurisdiction, and, so far as such obedience may be authorised and required by any written law in that behalf, of his civil jurisdiction.

Determination by Magistrate

57. Subject to the provisions of this Law, the magistrate shall be the sole judge in all proceedings brought in the court and shall determine all questions of fact as well as law.

Recording of Proceedings

58. (1) At the hearing of any proceedings the magistrate shall take notes in writing –

- (a) of any question of law or equity raised at the hearing; and
- (b) of any legal submission made, together with any authorities quoted in support of the same; and
- (c) the purport of all oral evidence given before the court which he considers material; and
- (d) of his decision thereon and of his determination of the proceedings, in a book to be kept for that purpose, and such book shall be signed by the magistrate at the conclusion of each day's proceedings.

(2) Where such a note has been taken, the magistrate shall whether notice of appeal has been given or not, on the application of any party to the proceedings, and on payment by that party of such fees as may be

prescribed, furnish him with a copy of the note, and shall sign the copy, and the copy so signed shall be admitted in evidence of such proceedings and of the statements made by the witnesses.

(3) The registrar shall enter into a book to be kept for this purpose in his office and called the Record Book, particulars of all proceedings heard and determined by the magistrate. Such particulars shall include the number of the plaint, the date of filing the plaint, the name of the plaintiff, the name of the defendant, the substance of the plaint, the names of the witnesses tendered and examined or rejected, with the reasons of such rejection, the date of the judgment, a minute of the judgment, the name of the magistrate adjudicating and the costs and such record book shall be checked and signed by the magistrate.

59. (1) The magistrate after an opening address, if any, shall then proceed to hear the plaintiff and such witnesses as he may examine and such other evidence as he may adduce in support of his plaint and also to hear the defendant and such witnesses as he may examine and such other evidence as he may adduce in his defence, and also to hear such other witnesses as the plaintiff may, with leave of the court, examine in reply.

(2) Addresses shall be made in accordance with the provisions of section 67.

ARBITRATION

60. (1) The magistrate may, with the consent of the parties to any civil proceedings, order such proceedings to be referred to arbitration, whether with or without other matters within the jurisdiction of the court in dispute between the parties, to such person or persons and in such manner and on such terms as he thinks just and reasonable.

(2) No such reference shall be revocable by any party except with the consent of the magistrate.

(3) On any such reference the award of the arbitrator, arbitrators or umpires shall be entered as the judgment in the proceedings and shall be as binding and effectual to all intents as if given by the magistrate:

Provided that the magistrate may, if he thinks fit, on application made to him at the first convenient court held after the expiration of one week after the entry of the award, set aside the award, or may with the consent of the parties, revoke the reference or direct another reference to be made in the manner aforesaid.

(4) In this section the expression “award” includes an interim award.

61. (1) The magistrate may refer to a referee for inquiry and report –

(a) any civil proceedings which require any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the magistrate, conveniently be made before him;

(b) any civil proceedings where the question in dispute consists wholly or in part of matters of account;

(c) with the consent of the parties with respect of any other matter arising out of the civil proceedings before him in which, for reasons to be recorded by him, he is satisfied that it is proper so to do.

(2) Where any civil proceedings or question are referred as aforesaid, the magistrate may direct how the reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report may give such judgment or make such order in the proceedings as may be just.

(3) The magistrate may refer to the registrar any mere matter of account which is in dispute between the parties in civil proceedings and when the magistrate reaches judgment he may use the report presented to him by the registrar as if such report were facts found by him in the course of the trial.

(4) Subject to any order to be made by the court ordering the inquiry, evidence shall be taken at any inquiry before a referee or the magistrate, and every such inquiry shall be conducted in the same manner as nearly as circumstances will admit as trials before a court, but not so as to make the tribunal of the referee or registrar a public court of justice.

(5) For the purposes of an inquiry under this section the referee or the registrar shall have power to issue summonses to enforce the attendance of witnesses and compel the production of documents and if any such summons is disobeyed or if a witness so summoned refuses to answer questions or give evidence at all the referee or the registrar shall report the matter to the magistrate concerned who may take any action as he may deem necessary as if any such summons had issued from his court or if such witness had refused to answer questions or give evidence in court.

Witnesses

62. Either of the parties to any cause or matter may obtain from the registrar of the court summonses to witnesses, with or without a clause requiring the production of the books, deeds, papers and writings in the possession or control of the person summoned as a witness and such summons shall be served in accordance with the provisions of rules of court under this Law.

63. (1) Subject to the provisions of the Evidence Ordinance, any person summoned as a witness in court who –

(a) refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or

(b) refuses to be sworn or make an affirmation or give evidence; shall forfeit such sum not exceeding twenty pounds as the magistrate may direct:

Provided that no person so summoned shall forfeit a sum as aforesaid unless there has been paid or tendered to him at the time of the service of the summons such amount in respect of his expenses, including in such case as may be prescribed compensation for loss of time, as may be prescribed for the purposes of this section.

(2) Any person present in court who is required to give evidence, but refuses without sufficient cause to be sworn or make an affirmation or to give evidence shall forfeit such a sum as aforesaid.

(3) The magistrate may in his discretion direct that the whole or any part of any such sum, after deducting the costs shall be applicable towards indemnifying the party injured by the refusal or neglect.

64. (1) In any proceedings pending before a court, the magistrate may, if he thinks fit, upon application either orally or in writing by any party, issue a warrant or order under his hand for bringing up before the court any persons (hereafter in this section referred to as a “prisoner”) confined in any place under sentence or under commitment for trial or otherwise, to be examined as a witness in the proceedings.

(2) The prisoner mentioned in any such order shall be brought before the court under the same custody, and shall be dealt with in the same manner

in all respects as a prisoner required by warrant to be brought before the High Court and examined therein as a witness:

Provided that in civil proceedings the person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at and returning from the court.

Absconding Defendant

65. (1) Where the plaintiff, at any time before final judgment, proves by evidence upon oath or affirmation to the satisfaction of the magistrate, that the plaintiff has a good cause of action against the defendant for an amount within the jurisdiction of the court, and that there is probable cause for believing that the defendant is about to quit Nigeria or the Southern Cameroons unless he is apprehended, and that the absence of the defendant from Nigeria or the Southern Cameroons will materially prejudice the plaintiff in the recovery of what is claimed, the magistrate may issue a warrant for the apprehension of the defendant, who, if arrested shall be served with a duplicate of the plaint at the time of the arrest, unless he has been previously served therewith.

(2) The defendant shall, on his arrest, be brought as soon as practicable before a magistrate and, subject to the provisions of section 66, the action shall then be heard and determined and all proceedings consequent thereon be immediately taken, or the magistrate may, if he thinks fit, adjourn the hearing for a reasonable time, whereupon he may liberate the defendant in either of the following cases, but not otherwise, that is to say:-

(a) if the defendant deposits with the magistrate, by way of security, a sum equivalent to the sum claimed, and the costs of the action and otherwise; or

(b) if the defendant gives security to the plaintiff by bond of the defendant and one sufficient surety, to be approved by a magistrate, in a penalty double the sum claimed and costs, and conditioned for the defendant's appearance at the hearing; and the bond shall remain in the custody of the registrar.

(3) If an adjournment is made and the defendant fails to make the deposit or to give the security aforesaid, then the magistrate may commit him to prison for safe custody until the action is finally heard and determined:

Provided that:-

(a) no such commitment shall be for a term exceeding seven days, but without prejudice to the power of the magistrate to remand the defendant from time to time, but that no such imprisonment shall exceed one month; and

(b) upon the final adjudication of the action the magistrate shall order the liberation of the defendant, if he is then in custody.

(4) If judgment is given for the plaintiff at the hearing, the magistrate may pay to the plaintiff out of the sum, if any, deposited as security by the defendant, the amount of the debts and costs and shall pay the surplus, if any, to the defendant.

(5) If a bond is given as aforesaid and the defendant does not appear at the hearing, then, if judgment is given for the plaintiff, execution may be levied on the bond to recover the amount of the judgment and costs awarded by the magistrate:

Provided that, if the defendant appears at the hearing of the action, the magistrate shall in such case, when judgment has been given, cancel the bond and deliver it up to the defendant.

66. If the defendant is arrested outside the district of the magistrate who issued the warrant to arrest him, he shall on his application be brought as soon as practicable before the nearest magistrate and such magistrate may liberate him if he complies with the provisions of subsections (2) and (3) of section 65. The magistrate by whom the defendant has been liberated shall cause the deposit to be sent with all convenient dispatch to the magistrate of the court which has jurisdiction to hear and determine the cause.

Addresses

67. (1) The party on whom the burden of proof lies shall be entitled to address the court at the commencement of the case. When the party who began has closed his case, his opponent shall, provided there is any case to meet, announce whether he intends to adduce evidence or not, and if he announces that he does not intend to call evidence the party beginning shall be entitled to address the court for a second time, for the purpose of summing up his evidence, and his opponent shall have a right of reply.

(2) When the party beginning has concluded his case, if the opponent decides to call witnesses, he shall be at liberty in his turn, to open his case, call his witnesses and sum up and comment not only on his own evidence but on the whole case.

(3) If the party opposed to the party who begins adduces evidence, the party beginning shall be at liberty to reply generally on the whole case.

Judgment – Giving of Judgment

68. On the conclusion of the hearing the court shall either at the same time or at a subsequent sitting deliver judgment in the cause and formal judgment shall be entered in the appropriate form, and shall, if so required by the plaintiff or defendant and on payment of the prescribed fee, cause to be delivered to the plaintiff or defendant, as the case may be, a certified copy of the judgment so delivered.

69. If the plaintiff in an action for the recovery of any chattel or thing establishes his claim judgment shall be given either for the delivery of the chattel or thing or for payment of the value thereof as proved at the hearing, as the court may think fit, and in either case the court may award in addition such damages as the justice of the case may require.

70. Subject to particular rules, the court may in all causes and matters make any order which it considers necessary for doing justice, whether such order has been expressly asked for by the person entitled to the benefit of the order or not.

71. A person directed to pay money or do any other act is bound to obey the order without any demand for payment or performance, and if no time is therein expressed he is bound to do so within two days after the order has been made, except as to costs if the amount thereof may require to be ascertained by taxation, unless the court shall enlarge the time by the same or any subsequent order.

72. (1) When a judgment is given or an order is made by a court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the court may, as it thinks fit, order the money to be paid either: -

(a) in one sum, whether forthwith or within such period as the court may fix; or

(b) by such instalments payable at such times as the court may fix.

(2) If at any time it appears to the satisfaction of the magistrate that any party to any proceedings is unable for any cause to pay any sum recovered against him, whether by way of satisfaction of the claim or counter-claim in the proceedings or by way of costs or otherwise, or any instalment thereof, the magistrate may, in his discretion, suspend or stay any judgment or order given or made in the proceedings for such time and on such terms as the magistrate thinks fit, and so from time to time until it appears that the cause of inability has ceased.

73. (1) The issue of any execution in any proceedings shall be in accordance with the Sheriffs and Enforcement of Judgments and Orders Ordinance.

(2) If at an time it appears to the satisfaction of the magistrate that any party to any proceedings is unable from any cause to pay any sum recovered against him, whether by way of satisfaction of the claim or counter-claim in the proceedings or by way of costs or otherwise, or any instalment thereof, the magistrate may, in his discretion, stay any execution issued in the proceedings for such time and on such terms as the magistrate thinks fit, and so from time to time until it appears that the cause of inability has ceased.

Finality of Judgment

74. Every judgment and order of the court shall, except as provided by this Law or any other written law, be final and conclusive between the parties; but the court shall have power to non-suit the plaintiff in every case in which satisfactory proof shall not be given entitling either the plaintiff or defendant to judgment.

Costs

75. (1) All fees and costs of any action or proceeding in the court, including any arbitration, not herein otherwise provided for, shall be paid by or apportioned between the parties in such manner as the court may think fit, and in default of any special direction, shall abide the event of such action or proceeding.

(2) Execution may issue for the recovery of any such fees and costs in like manner as for the amount of any judgment obtained in the said court.

(3) The court shall have power to refuse costs in whole or in part to either party.

Setting Aside of Judgment and New Trial

76. The magistrate, at the same or any subsequent sitting of the court, may set aside any judgment or order given or made against any party in the absence of such party, and he execution thereupon, and may grant a new trial or hearing, upon such terms, if any, as he may think just, on application and on sufficient cause shown to him for that purpose.

77. Any cause struck out may by leave of the court, be replaced on the cause list on such terms as to the court may seem fit.

Unclaimed Money in Court

78. (1) The registrar of every court shall in the month of March in each year make out a correct list of all sums of money belonging to suitors in the court which shall have been paid into court and which shall have remained unclaimed for five years before the first day of January then last past specifying the names of the parties for whom or on whose account the same were to be paid in court.

(2) A copy of such list shall be put up and remain during court hours in some conspicuous part of the most convenient court house within the relative district.

(3) All sums of money which shall have been into any such court to the use of any suitors thereof and which shall have remained unclaimed for a period of six years on the first day of January next after the said list shall have been put up as aforesaid shall be accounted for by the registrar to the Chief Accountant and all such moneys which shall have remained so unclaimed shall be transferred to the Chief Accountant to the credit of the general revenue.

Evidence of Record of Proceedings

79. Any entry in any book required to be kept for the purposes of subsection (3) of section 58 or for the purposes of any written law or rules of court made there under or under this Law or a copy of such entry purporting to be signed and certified a true copy by the registrar shall at

all times without further proof be admitted in any court or place whatsoever as evidence of the entry and of the proceeding referred to thereby and of the regularity of that proceeding.

PART VIII. – Appeals

80. Subject to any express provisions to the contrary in any other written law and to the provisions of this Law any person aggrieved by a decision or judgment of a magistrate may appeal therefrom to the appeal court.

81. An appeal shall not operate as a stay of execution but the court below or the appeal court may order a stay of execution either unconditionally or upon the performance of such conditions as may be imposed in accordance with rules of court made under the provisions of this Law or of any other written law.

Right of Appeal in Criminal Cases

82. Any person aggrieved by a conviction or order by a magistrate in a criminal case in respect of any charge to which he pleaded not guilty or of which he did not admit the truth may appeal to the appeal court from such conviction:

Provided that no such appeal shall lie –

(a) in respect of any such conviction for an offence punishable by fine only and not by imprisonment (other than a sentence of imprisonment imposed on default of payment of the fine) where the fine imposed does not exceed the sum of five pounds; or

(b) where the order does not relate to an amount or thing to the value of five pounds and upwards.

83. In any criminal case a person who is convicted of any offence may, save where the sentence imposed is one fixed under the provisions of any written law, appeal to the appeal court against such sentence.

84. Where an accused person has been acquitted or an order of dismissal made by a magistrate, the prosecutor may appeal to the appeal court from such acquittal or dismissal on the ground that it is erroneous in law or that the proceedings or any part thereof were in excess of the jurisdiction of the magistrate.

85. No appeal shall lie from the order of a magistrate committing any person at a preliminary inquiry for trial in the High Court.

Right of Appeal in Civil Cases

86. (1) Where in any civil proceedings a decision, judgment or order of a magistrate –

(a) is given in respect of a sum of ten pounds and upwards; or

(b) determines directly or indirectly a claim or question respecting money, goods or other property or any civil right or other matter of the amount or to the value of ten pounds and upwards, any person aggrieved may, subject to such conditions as may be prescribed, appeal therefrom to the appeal court.

(2) Where in any civil proceedings a decision, judgment or order of a magistrate –

(a) is given in respect of a sum of less than ten pounds; or

(b) determines directly or indirectly a claim or question respecting money, goods or other property or any civil right or other matter of the amount or to the value of less than ten pounds, any person aggrieved may with the leave of the appeal court appeal therefrom to the appeal court.

87. An appeal shall not lie directly from an order made *ex parte* but any person aggrieved by such order may appeal to the court to vary or discharge it and an appeal will lie for the decision on such application in a like manner as an appeal from other civil proceedings.

Procedure of Appeal in Criminal Cases

88. (1) An appeal shall be commenced by the appellant giving to the registrar of the court below notice of such appeal, which may be verbal or in writing, and if verbal shall be forthwith reduce to writing by the registrar and signed by the appellant, or by a legal practitioner if a legal practitioner is representing him.

(2) The notice of appeal shall be given in every case before the expiration of the thirtieth day after the day on which the court has made the decision appealed against.

89. When an appellant gives verbal notice of appeal at the time of the pronouncement of the decision and before the opposite party or the legal practitioner representing him has left the court such verbal notice of appeal shall be recorded by the court with a note of presence of the respondent or the legal practitioner representing him and written notice of appeal shall not thereafter be necessary.

90. (1) When notice of appeal whether verbal or written has been given and the appellant has, before the expiration of the fourteenth day after the day on which the notice of appeal has been given, deposited such sum as the court may estimate to be necessary for the cost of the required number of certified copies of the proceedings and judgment, the court shall as soon as may be thereafter furnish the appellant with such copies.

(2) Where the court is satisfied that owing to poverty the appellant is unable to deposit the full or any of the amount required for the necessary copies of the proceedings and judgment the court may direct the acceptance of a specified lesser sum or that the necessary copies of the proceedings and judgment be supplied to the appellant free of charge, as the case may be. Where the court directs that the necessary documents be supplied free the date upon which such direction is given shall, for the purposes of subsection (1) be deemed to be the date of deposit of the sum referred to therein.

(3) Such notice shall be in the form prescribed.

91. (1) Every appellant shall also within thirty days of the date of the pronouncing of the decision appealed against file with the registrar of the court below a memorandum setting forth the ground of his appeal.

(2) The memorandum of the grounds of appeal may be filed at the time the notice of appeal is given or at any other time within the time hereinbefore mentioned and may either be attached to the notice of appeal or be in a separate document.

(3) Every memorandum of the grounds of appeal shall be signed by the appellant or the legal practitioner representing him.

92. If the appellant is in prison he may present his notice of appeal and the memorandum of the grounds of appeal to the officer in charge of the prison who shall thereupon forward such notice and memorandum to the registrar of the court below.

93. An appellant shall file as many copies of his memorandum of grounds of appeal, and when notice of grounds of appeal is a written notice, as many copies of that notice, as there are parties to be served in addition to the copies for the court.

94. A memorandum of the grounds of appeal may set forth all or any of the following grounds, and no other, that is to say –

- (a) that the magistrate's court had no jurisdiction in the case; or
- (b) that the magistrate's court has exceeded its jurisdiction in the case; or
- (c) that the magistrate was personally interested in the case; or
- (d) that the magistrate has acted corruptly or maliciously in the case; or
- (e) that the decision has been obtained by fraud; or
- (f) that the case has already been heard or tried and decided by or forms the subject of a hearing or trial pending before a competent court; Provided that it shall not be competent for the appeal court to entertain as a ground of appeal the special plea of *autrefois acquit* or *autrefois convict* unless such special plea was pleaded in the court below; or
- (g) that admissible evidence has been rejected or inadmissible evidence has been admitted, by the magistrate's court and that in the latter case there is no sufficient admissible evidence to sustain the decision after rejecting such inadmissible evidence; or
- (h) that the decision is altogether unwarranted, unreasonable and cannot be supported having regard to the weight of evidence; or
- (i) that the decision is erroneous in point of law; or
- (j) that some other specific illegality, not hereinbefore mentioned and substantially affecting the merits of the case, has been committed in the course of the proceedings in the case; or
- (k) that the sentence passed on conviction is excessive or inadequate, unless the sentence is one fixed by law.

95. (1) The appellant shall set forth in his memorandum of grounds of appeal the particular matter on which he relies or of which he complains.

(2) Where the appellant relies on the ground of appeal mentioned in paragraph (f) of section 94, the name of the tribunal shall be stated and, if a decision is alleged, the approximate date of such decision.

(3) Where the appellant relies on the ground of appeal mentioned in paragraph (i) of section 94, the nature of the error shall be stated, and where he relies upon the ground of appeal mentioned in paragraph (j) of that section the illegality complained of shall be clearly specified.

96. (1) Within thirty days after the pronouncing of the decision the appellant shall unless he remains in custody under the provisions of section 98, enter into a recognizance in the prescribed form, with or without a surety as the magistrate may require, in such sum as the magistrate may specify, or, in lieu of furnishing a surety or sureties, as the case may be, he may deposit with the magistrate the sum required.

(2) The condition of the recognizance shall be for the due prosecution of the appeal and for abiding the result thereof, including all costs of the appeal or otherwise.

(3) If there shall be any breach of the recognizance the deposit, if any, shall be forfeited and shall be applied to discharging the conditions of the recognizance.

(4) If the appellant is in custody he shall be released from such custody on bail, on the order of the magistrate, on complying with the provisions of this section as to security for prosecuting the appeal and abiding the results thereof.

(5) If the appellant who is in custody is not within the district of the magistrate from whose decision the appeal is made, any magistrate of the district in which such appellant may be shall have the powers and functions given and assigned to the magistrate by this section.

97. (1) If the appellant makes default in duly prosecuting his appeal, the magistrate shall thereupon either treat the recognizance as forfeited and deal with the same in accordance with the provisions of the Criminal Procedure Ordinance relating to forfeited recognisances, or make such orders as may be just with respect to the amount lodged by the appellant, as the case may be.

(2) If the appellant making such default has been released from custody under the provisions of the last preceding section and if he remains or becomes liable to be kept in custody, the magistrate or the appeal court shall forthwith issue a warrant for his apprehension, in order that he may be rendered to prison accordingly.

98. (1) A person sentenced to imprisonment without the option of a fine who gives notice of appeal and is unable to find the necessary surety or sureties if any, or to deposit money in lieu of a surety or sureties may nevertheless prosecute his appeal by entering into a recognisance without a surety conditioned for payment of the costs of the appeal provided that he remains in custody pending the hearing of the appeal, and in such case the magistrate shall, by warrant under his hand, direct the appellant to be detained in custody accordingly, and shall, in such warrant, intimate to the officer in charge of the prison that notice of appeal has been given.

(2) The appellant shall in such case be detained in custody pending the determination of his appeal and may be taken without any fresh order or warrant in custody of a police officer to the appeal court to attend the hearing of the appeal.

(3) Notwithstanding anything in this section contained an appellant may, at any time before his appeal is heard, enter into a recognisance in the form and subject to the conditions set forth in section 96, and thereupon he shall be liberated unless he is in custody in respect of any other charge or matter.

(4) Where a conviction is confirmed on appeal and the appellant has been in custody pending the hearing of the appeal the appeal court shall direct that all of such period of custody shall count as imprisonment towards the term to which the appellant has been sentenced.

99. Every criminal appeal, other than an appeal from a sentence of fine, shall finally abate on the death of the appellant.

Procedure on Appeal in Civil Cases

100. Subject to the provisions of this Law the procedure, practice and manner of appeal in civil proceedings shall be in accordance with the rules made under this Law, the Southern Cameroons High Court Law and any other written law empowering the making of such rules.

Hearing and Judgment

101. (1) When on the direction of the appeal court under paragraph (b) of section 48 of the Southern Cameroons High Court Law additional evidence is to be taken by a magistrate and specific findings of fact reported he shall certify such evidence to the appeal court which shall thereupon proceed to dispose of the appeal.

(2) Unless the appeal court otherwise directs, the appellant or the legal practitioner representing him shall be present when the additional evidence is taken.

(3) Evidence taken in pursuance of such direction shall be taken as if it were evidence taken at the trial before the magistrate's court.

(4) When forwarding to the appeal court any additional evidence taken by a magistrate in pursuance of such direction the magistrate may express his opinion on the demeanour of the witnesses and of the value of their evidence and may also if he is the magistrate against whose decision the appeal has been made, state whether or not he would have come to a different decision had the additional evidence been brought forward at the trial.

102. (1) After the pronouncement of the judgment of the appeal court, and subject to the provisions hereafter in this section contained, the magistrate of the court from which the appeal came shall have the same jurisdiction and power to enforce, and shall enforce, any decision which may have been affirmed, modified, amended or substituted by the appeal court, or any judgment which may have been pronounced by the appeal court, in the same manner in all respects as if such decision or judgment had been pronounced by himself:

Provided that in any case where an order for the imprisonment of any person is affirmed on appeal, whether with or without modification or amendment, or where the appeal court orders the imprisonment of any person, the appeal court may, if it considers it expedient to do so, forthwith commit such person to prison in pursuance and in execution of such order.

(2) If the appellant had been sentenced to imprisonment without the option of a fine by the magistrate and such sentence is confirmed by the appeal court or other sentence of imprisonment is substituted the period during which the appellant had been released on bail shall be excluded in computing the time for which he was or is sentenced.

Miscellaneous Provisions

103. In any case where a magistrate refuses to entertain a complaint relating to a summary conviction offence, the person aggrieved by such refusal may obtain from the magistrate a copy of the entry in the relevant book relating to such refusal and on giving not less than seven days' previous notice in writing thereof to the magistrate, may make application to the appeal court on an affidavit of the facts, for an order on the magistrate to entertain, hear and determine the complaint and if the appeal court makes such order, the magistrate shall be bound to entertain and thereafter to hear and determine the complaint in due course of law.

104. At any time during the hearing of a criminal case in a magistrate's court and before the decision of such court has been pronounced the magistrate may, and when so required by the Legal Secretary shall, state a special case on a point of law for the opinion of the appeal court.

105. In any criminal case in which no public officer is a party where the Legal Secretary is of opinion that any decision of a magistrate is erroneous in law he may, at any time within six months from the date of the decision, require the magistrate to state a case thereon for the opinion of the appeal court.

106. A stated by a magistrate shall set out –

- (a) the charge, summons, information or complaint;
- (b) the facts found by the lower court to be admitted or proved;
- (c) any submission of law made by or on behalf of the complainant during the trial or inquiry;
- (d) any submission of law made by or on behalf of the accused during the trial or inquiry;
- (e) the finding and, in case of conviction, the sentence of the lower court;
- (f) any question of law which the magistrate desires to be submitted for the opinion of the appeal court; and
- (g) any question of law which the Legal Secretary requires to be submitted for the opinion of the appeal court.

107. In addition to and without prejudice to the right of appeal conferred by this Law or any other written law any magistrate may reserve for consideration by the High Court on a case to be stated by him any question of law which may arise in any cause or matter before him or in any appeal before him and may give any judgment or decision subject to the opinion of the High Court.

108. The Chief Justice may, with the approval of the Governor-General, make rules of court prescribing anything required to be prescribed by the provisions of this part, and for regulating the practice and procedure on appeals and the fees and costs thereon, and in particular for the waiving or remission of any fees in respect of appeals by poor persons.

PART VIII. – Miscellaneous Provisions

Fees and Costs

109. The fees and costs set forth in the rules of court made under this Law may be demanded and received by the registrars or other persons appointed to receive such fees and costs for and in respect of the several matters therein mentioned:

Provided that in the absence of the registrar or in the event of there being no registrar or other person appointed to receive such fees and costs, such fees and costs may be demanded and received by the magistrate.

110. All fees and costs payable under or by virtue of this Law shall in the first instance be paid by the party applying for the summons, warrant, or other process or document in respect whereof the same are payable: Provided that no fees shall be payable in any case instituted by a public officer when acting in his official capacity or in any in which the magistrate or justice of the peace endorses on the plaint, information or complaint as the case may be that it is a fit one for the remission of fees on account of the poverty of the party or for any other sufficient reason and in every such case such fees and costs shall, in the discretion of the magistrate, be recoverable from the other party, if the decision be given against him.

111. Sections 109 and 110 shall apply to all monies received by the registrar or other person of the court under the provisions of this Law or any other written law, whether the same be fees, costs, fines, forfeitures, penalties, or money paid into court for any purpose, or received or recovered under or by virtue of any process of execution of distress.

Protection of Magistrates, Justices of The Peace and Officers of the Court

112. (1) No magistrate or justice of the peace shall be liable for any act done or ordered to be done by him in the course of any proceedings before him whether or not within the limits of his jurisdiction provided that at the time he, in good faith, believed himself to have jurisdiction to do or order to be done the act complained of.

(2) No person required or bound to execute any warrant or order issued by a magistrate or by a justice of the peace shall be liable in any action for damages in respect of the execution of such warrant or order unless it be proved that he executed either in an unlawful manner.

Representation of Parties

113. (1) Subject to the provisions of this or other written law all persons for the time being entitled to practise as legal practitioners in the Federal Supreme Court shall have the right to practise as such in a magistrate's court.

(2) A person admitted to practice in the former Supreme Court shall be entitled to practise in a magistrate's court unless he is suspended or prohibited from so practising by or under the provisions of any written law.

114. (1) In the case of a prosecution by or on behalf of the Crown or by any public officer in his official capacity, the Crown or other officer may be represented by a law officer, crown counsel, administrative officer, police officer, or by any legal practitioner or other person duly authorised in that behalf by or on behalf of the Legal Secretary, or in the case of an offence against a Federal law by or on behalf of the Attorney-General of the Federation, or in revenue cases authorised by the head of the department concerned.

(2) Subject to the provisions of the Lands and Native Rights Ordinance any civil cause or matter in which the Crown or any public officer in his official capacity is a party or in any civil cause or matter affecting the revenue the Crown or that officer may be represented by a law officer, crown counsel, administrative officer or by any legal practitioner or other person duly authorised in that behalf by or on behalf of the Legal Secretary, or in the case of civil causes relating to matters within the exclusive legislative competence of the Federal legislature by or on behalf of the Attorney-General of the Federation, or in revenue cases authorised by the head of the department concerned.

115. In any cause, matter or appeal, to which a native authority is a party, such native authority may be represented at any stage of the proceedings by any member or officer of the native authority who shall satisfy the magistrate that he is duly authorised in that behalf.

PART IX. Rules of Court

116. (1) The Chief Justice with the approval of the Governor-General may make rules of court for all or any of the following purposes –

(a) regulating the practice and procedure of magistrates' courts in civil proceedings in respect of which no specific provision is made in this Law or any other written law;

(b) regulating the practice and procedure in civil appeals to the High Court from magistrates' courts;

(c) regulating the forms to be used, and all matters connected therewith, in such civil proceedings and appeals and the fees payable in respect of such proceedings and appeals;

(d) the reference of civil proceedings to arbitration and all matters relating and incidental thereto, including the remuneration and fees of arbitrators and referees;

(e) the form in which civil proceedings and arbitrations arising therefrom are to be recorded;

(f) the preservation and destruction of records or civil proceedings;

(g) the books and forms of account to be used in magistrates' courts and the keeping of the same;

(h) the forms of and the times of forwarding returns of criminal cases decided in magistrates' courts to the Chief Justice or to a Judge;

(i) the costs, fees and amounts which may lawfully be demanded and received in respect of the service of process relating to civil proceedings;

(j) the acceptance, retention and disposal of fees and costs, whether in civil or criminal proceedings;

(k) the receipt of moneys paid into magistrates' courts, and moneys received or recovered under or by virtue of any process, execution or distress;

(l) the payment out of magistrates' courts of all moneys to persons entitled to receive the same;

(m) the fees payable in respect of the inspection and copying of records of civil proceedings and documents and other matters relating to such records;

(n) the fixing of scales of fees and costs recoverable in respect of the appearances and service of legal practitioners in civil proceedings and the taxation of the same;

(o) the waiving and remission of fees payable by poor persons and the admission of persons to sue in *forma pauperis*;

(p) the service and execution of any writ, summons, warrant, order or other process issuing out of or transmitted by a native court to a magistrate's court; the conditions precedent to such service or execution either in respect of such process generally or in respect of any specified class of process; the procedure to be followed after the service or execution of such process, and the payment of mileage allowance to persons effecting such service or execution;

(q) the imposition of penalties on any person who fails to take any action required by a rule of court or who disobeys any rule or court; and

(r) generally for the better carrying into effect of the provisions and objects and intentions of this Law.

(2) Rules of court made under this section shall apply to all proceedings by or against the Crown.

PART X.- Transitional Provisions

117. (1) All proceedings instituted, commenced or taken in accordance with the rules or practice of a magistrate's court established under the provisions of the Magistrates' Courts Ordinance in respect of any cause or matter pending at the date of coming into force of this Law shall be valid and effectual as though they had been instituted, commenced or taken under the provisions of this Law, and such proceedings shall continue before the court in accordance with the provisions of this Law.

(2) The magisterial districts within the Southern Cameroons in being at the coming into operation of this Law shall be deemed to have been constituted under the provisions of this Law.

118. Whenever in any written law or any document reference is made to a Magistrate's court, such reference shall be read, in as far as the context will permit, to mean a reference to a Magistrate's court established under the provisions of this Law and where in any such written law or document reference is made to any Magistrate, Registrar or other officer of a Magistrate's court, such reference shall be read so far as the context will permit, to mean a Magistrate, Registrar or other officer aforesaid of a Magistrate's court established under the provisions of this Law.

119. Nothing in this Law shall be construed –

(a) to affect the status, appointment or tenure of office of any magistrate appointed as such within the Southern Cameroons on the coming into operation of this Law: such magistrates shall be deemed to have been appointed as such under this Law and shall exercise his duties in the magistrates' courts established under this Law in the district in which he was serving on the coming into operation of this law, and shall thereafter be subject to the provisions of this Law;

(b) to affect the status, appointment or tenure of office of any justice of the peace holding office as such within the Southern Cameroons on the coming into operation of this Law: such justice of the peace shall be deemed to have been appointed as such under this Law and thereafter to be subject to the provisions of this Law:

Provided that where such justice of the peace has conferred upon him certain duties any such justice of the peace shall not unless further duties are conferred upon him, exercise under this Law duties in excess of those previously conferred upon him; and

(c) to affect the status, appointment or tenure of office of any registrar or other officer performing duties in connection with a court constituted under the Magistrates' Courts Ordinance on the coming into operation of this Law: such registrar, deputy registrar or other officer shall be deemed to have been appointed as such under this Law and shall thereafter be subject to the provisions of this Law.

120. Any cause or matter which has been transferred from a native court to a magistrate's court established under the provisions of the Magistrates' Courts Ordinance and which has not been part-heard on the day of coming into operation of this Law shall be heard and determined by a magistrate's court as though such order of transfer had been made to a magistrate's court established under the provisions of this Law and not to a magistrate's court established under the provisions of the Magistrates' Courts Ordinance.

121. A magistrate before whom any cause or matter or appeal is part-heard at the date of coming into force of this Law shall be deemed to be a magistrate appointed under the provisions of this Law for the purpose of completing any such part-heard cause or matter or appeal subject to the provisions of this Law.

122. In section 121 the express “part-heard” means –

(a) in respect of a civil cause or matter, a cause or matter in which at least one witness has been heard by the court;

(b) in respect of a criminal cause, a cause in which a plea has been taken by the court;

(c) in respect of an appeal from a native court, an appeal in respect of which the court has been addressed by or on behalf of the appellant.

123. The Magistrates’ Court Ordinance, Cap. 122, is hereby repealed.

This printed impression has been carefully compared by me with the Bill which has passed the Southern Cameroons House of Assembly, and is found by me to be a true and correctly printed copy of the said Bill.

L. ROBERTS,
Clerk of the Southern Cameroons
House of Assembly

Note

Marginal notes printed at the side of sections of this law have been omitted as they correspond to the titles of the various sections as they appear in the arrangement of sections.

The High Court of Justice
Southern Cameroons High Court Law, 1955. S.C. No. 7 of 1955
Southern Cameroons High Court Law, 1955
Arrangement of Parts and Sections

PART I. – Preliminary

Section

1. Short title and commencement
2. Interpretation

PART II – Constitution of The Southern Cameroons High Court

3. Establishment of the High Court
4. Powers of judges
5. Precedence of judges
6. Seal of the court

PART III – Jurisdiction and Law

7. General jurisdiction
8. Civil and criminal jurisdiction
9. Jurisdiction not to be exercised in certain matters
10. Practice and procedure
11. Extent of application of law of England
12. Law and equity to be concurrently administered
13. Determination of matter completely and finally
14. Rules of equity to prevail
15. Probate, divorce and matrimonial causes
16. Powers and duties of Queen's Proctor
17. Power to appoint guardians and committees of lunatics
18. *Mandamus* in an action, injunctions and receivers
19. Orders of *mandamus*, prohibition and *certiorari*
20. Injunction in lieu of *quo warranto*
21. Application of law and practice in force in England to proceedings under sections 19 and 20
22. Jurisdiction of High Court limited in native court cases
23. Relief against forfeiture for non-payment of rent
24. Execution of instruments by order of court
25. Reconciliation in civil cases
26. Reconciliation in criminal cases
27. Application of native law
28. Reservation of point of law for Federal Supreme Court

PART IV – Provisions Relating to Appellate Jurisdiction

29. Constitution Order to prevail
30. Jurisdiction in appeals and case stated
31. Power of revision
32. Constitution of court in appellate jurisdiction
33. Judgment of the High Court in criminal appeal cases
34. Power of the High Court in civil appeals from magistrates
35. Procedure on appeal in civil cases
36. Appearance of appellant in civil cases
37. Revision of decision of lower courts in certain cases
38. Summary dismissal of criminal appeal
39. Notice of time, place and hearing
40. Dismissal of criminal appeal in certain cases
41. Power of High Court in criminal appeals from magistrates
42. Effect of wrong venue
43. Appearance of appellant in criminal appeal case
44. Defects in notice of appeal or recognizance
45. Objections to form of grounds for appeal
46. Power to correct defects in charge, order, etc.
47. Defects in proceedings under appeal
48. Additional evidence
49. Costs in appeal from magistrates
50. Order on appeal to be certified to lower court
51. Enlargement of time
52. Further appeal in civil and criminal appeal cases

PART V. – Provisions As to Distribution of Business

53. Court open throughout the year
54. Chief Justice distributes business
55. Judge's absence
56. Transfer of cause to magistrate
57. Transfer of cause from one judge to another
58. Power to cancel or vary order of transfer
59. Telegram to have validity of order
60. Effects of order of transfer
61. Power to transfer cause to native court
62. Order of transfer not subject to appeal

PART VI – Trial Practice and Procedure

63. Proceedings to be heard and disposed of by single judge
64. Powers of judge in court and in chambers
65. Discharge of orders made in chambers
66. Pleading judgments of other courts in defence
67. Notes of evidence and minutes of proceedings to be taken by presiding judge
68. Inspection
69. Mode of trial
70. Assessors
71. Question of foreign and native law or custom to be decided by judge alone
72. Reference for report
73. Reference for trial
74. Powers and remuneration of referees and arbitrators
75. Powers of court as in arbitrations
76. Power to order *habeas corpus ad testificandum*
77. Statement of case pending arbitration
78. Power to impose terms as to costs
79. Disallowance of costs in certain cases
80. Power to arrest defendant quitting Nigeria or the Southern Cameroons
81. Allowance to witnesses and method of payment
82. Persons in court may be required to give evidence
83. Evidence of prisoners
84. Right of appearance of legal practitioners
85. Representation of the Crown and public officers
86. Representation of native authority
87. Acting without authority a contempt of court

PART VII – Officers of the Court

88. Chief Registrar and other officers
89. Negligence or misconduct of officers
90. Restriction on officers of court buying property sold at execution
91. Appointment of commissioners for affidavits or for taking evidence
92. Protection of commissioners from actions
93. Protection of judges and persons executing warrants, etc.

PART VIII – Rules of Court

94. Power to make rules of court
95. Law and rules of court not to affect rules of evidence

PART IX – Transitional

96. Pending proceedings

Assented to in Her Majesty's name this 27th day of October, 1955

J. W. ROBERTSON
Governor-General

(L.S.)
No. 7 Southern Cameroons 1955

In The Fourth Year of The Reign of
Her Majesty Queen Elizabeth II
Sir **James Wilson Robertson**, K.c.m.g., K.b.e.
Governor-general And Commander-in-chief

A Law for the Establishment of A High Court of Justice for The Southern
Cameroons And For Other Purposes Relating To The Administration Of
Justice.

[26th November, 1955]

Be It Enacted by the Legislature of the Southern Cameroons as follows:-

PART I – Preliminary

1. This Law may be cited as the Southern Cameroons High Court Law, 1955.

2. (1) In this Law, unless the context otherwise requires –

“action” means a civil proceeding commenced by writ or in such other
manner as may be prescribed by rules of court, but does not include a
criminal proceeding;

“cause” includes any action, suit or other original proceeding between a
plaintiff and a defendant, and any criminal proceeding;

“Chief Justice” means the Chief Justice of the Southern Cameroons High
Court;

“Constitution Order” means the Nigeria (Constitution) Order in Council,
1954, as the same may be amended from time to time;

“court” includes the High Court and the judges of the High Court sitting
together or separately;

“defendant” includes every person served with any writ of summons or process, or served with notice of, or entitled to attend, any proceedings in a civil cause, and also every person charged under any process of the court with any crime or offence;

“Federal Supreme Court” means the Federal Supreme Court of Nigeria established by section 138 of the Constitution Order;

“Federal Law” means any law which relates to a matter within the exclusive legislative competence of the Federal legislature;

“Federation” means the Federation of Nigeria;

“former Supreme Court” means the Supreme Court of Nigeria established by the Supreme Court Ordinance;

“High Court” means the Southern Cameroons High Court;

“judge” means the Chief Justice or other judge of the High Court and any person lawfully sitting as such;

“judgment includes a decree;

“Legal Secretary” means the Legal Secretary of the Southern Cameroons;

“lower court” includes a magistrate’s court established under the Magistrates’ Courts (Southern Cameroons) Law, 1955, and a native court;

“matrimonial cause” means any action for divorce, nullity of marriage, judicial separation, activation of marriage, or restitution of conjugal rights;

“matter” includes every proceeding in court not in a cause;

“native law and custom” includes Moslem law;

“party” includes every person served with notice of or attending any proceeding although not named on the record;

“plaintiff” includes every person asking any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of proceeding, whether the proceeding is by action, suit, petition, motion, summons or otherwise;

“Regional matter” means any matter that is within the exclusive legislative competence of the Legislature of the Southern Cameroons under the provisions of the Constitution Order;

“registrar” includes the Chief registrar and all other registrars of the court;

“rules of court” means rules of court made or deemed to have been made under section 94;

“suit” includes action;

(2) Whenever it is necessary to interpret in respect of the Southern Cameroons a reference in a provision of any written law other than this Law to a judicial division, the, in so far as the context permits such provision to be applied to the High Court or to any officer thereof, the Southern Cameroons shall be deemed to be a judicial division.

PART II – Constitution of the Southern Cameroons High Court

3. (1) There shall be established a High Court of Justice for the Southern Cameroons, and the name of such court shall be the Southern Cameroons High Court.

(2) The court shall assume its functions on such date as may be appointed under the provisions of subsection 5 of section 219 of the Constitution Order.

(3) The court shall be deemed to be duly constituted notwithstanding any vacancy in the office of the Chief Justice or of any judge.

4. (1) The judges shall have in all respects, save as is therein expressly otherwise provided, equal power, authority and jurisdiction under this Law

(2) Any judge may, subject to this Law and any rules of court, exercise all and any part of the original jurisdiction, civil and criminal, vested by this Law in the High Court, and for such purpose shall be and form a court.

5. The Chief Justice shall take precedence of the other judges of the court, and the other judges shall take precedence after the Chief Justice in accordance with such directions as may be given by the Governor-General acting in his discretion.

6. (1) The High Court shall have and may use a seal bearing a device or impression approved by the Chief Justice, with the inscription “The Southern Cameroons High Court”. The seal shall be kept by the Chief Justice, and a duplicate thereof may be kept by each of the other judges. The Chief Justice and other judges may entrust the seal or duplicates to such officers of the court as they may think fit.

(2) Such seal shall be the seal of the High Court for all purposes for which it may be required under the provisions of the rules of court.

PART III – Jurisdiction and Law

7. To the extent that the Legislature of the Southern Cameroons is enabled to confer such jurisdiction, the High Court shall, in addition to any other jurisdiction conferred by the Constitution Order or by this Law or any other written Law, possess and exercise, within the limits mentioned in, and subject to the provisions of the Constitution Order and this Law, all

the jurisdiction, powers and authorities, other than Admiralty jurisdiction, which are vested in or capable of being exercised by Her Majesty's High Court of Justice in England.

8. To the extent that the Legislature of the Southern Cameroons is enabled to confer such power, the jurisdiction vested in the High Court shall include

(a) all Her Majesty's civil jurisdiction which immediately before the coming into operation of this Law was, or at any time afterwards may be exercisable in the Southern Cameroons, for the judicial hearing and determination of matters in difference, or for the administration or control of property and persons, and

(b) all Her Majesty's criminal jurisdiction which immediately before the coming into operation of this Law was, or at any time afterwards may be there exercisable, for the repression or punishment of crimes or offences or for the maintenance of order.

9. (1) Subject to the provisions of the Lands and Native Rights Ordinance and of any other written law the High Court shall not exercise original jurisdiction in any suit or matter which –

(a) raises any issue as to the title to land or as to the title to any interest in land which is subject to the jurisdiction of a native court;

(b) is subject to the jurisdiction of a native court relating to marriage, family status, guardianship of children, inheritance or the disposition of property on death.

(2) The provisions of subsection (1) shall have effect except –

(a) in so far as the Governor-General may by Order otherwise direct;

(b) in suits transferred to the High Court under the provisions of the Native Courts Ordinance or of any law replacing the same.

10. The jurisdiction vested in the High Court shall, so far as practice and procedure are concerned, be exercised in the manner provided by this Law or any other written law, or by such rules and orders of court as may be made pursuant to this Law or any other written law, and in the absence thereof in substantial conformity with the practice and procedure for the time being of Her Majesty's High Court of Justice in England.

11. Subject to the provisions of any written law and in particular of this section and of sections 10, 15 and 22 of this Law –

(a) the common law;

(b) the doctrines of equity; and

(c) the statutes of general application which were in force in England on the 1st day of January, 1900, shall in so far as they relate to any matter with respect to which the Legislature of the Southern Cameroons is for the time being competent to make laws, be enforced within the jurisdiction of the court.

12. Subject to the express provisions of any written law, in every civil cause or matter commenced in the High Court law and equity shall be administered by the High Court concurrently and in the same manner as they are administered by Her Majesty's High Court of Justice in England.

13. The High Court in the exercise of the jurisdiction vested in it by this Law shall, in every cause or matter pending before the court, grant, either absolutely or on such terms and conditions as the court thinks just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any legal or equitable claim properly brought forward by them in the cause or matter, so that, as far as possible, all matters in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of these matters be avoided.

14. Subject to the express provisions of any written law and in all matters not particularly mentioned in this Law, in which there was formerly or is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter; the rules of equity shall prevail in the High Court so far as the matters to which those rules relate are cognizable by the court.

15. The jurisdiction of the High Court in probate, divorce, and matrimonial causes and proceedings may, subject to the provisions of this Law and in particular of section 27, and to rules of court, be exercised by the court in conformity with the law and practice for the time being in force in England.

16. In the case of any petition for divorce or nullity of marriage –

(a) the High Court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Legal Secretary who is hereby declared to be Her Majesty's Proctor in and for the Southern Cameroons and who may, either personally or by counsel, argue before the court any question in relation to the matter which the court deems to be necessary or expedient to have fully argued;

(b) any person may at any time during the progress of any proceedings or before the *decree nisi* is made absolute give information of any matter material to the due decision of the case to Her Majesty's Proctor as aforesaid, who may thereupon take such steps as he may consider necessary or expedient;

(c) if in consequence of any such information or otherwise Her Majesty's Proctor as aforesaid suspects that any parties to the petition are or have been acting in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may, after obtaining the leave of the court, intervene and retain counsel and subpoena witnesses to prove the alleged collusion;

(d) any rules and regulations for the time being in force for Her Majesty's High Court of Justice in England relating to Her Majesty's Proctor in England shall, subject to rules of court, apply to Her Majesty's Proctor for the Southern Cameroons.

17. The High Court shall have all the powers and authorities of the Lord High Chancellor of Great Britain in relation to the appointment and control of guardians of infants and their estates, and also keepers of the persons and estates of idiots, lunatics and such as being of unsound mind are unable to govern themselves and their estates.

18. (1) Subject to the provisions of section 144 of the Constitution Order, the High Court may grant a *mandamus* (as defined in subsection (4)) or an injunction or appoint a receiver by an interlocutory order in all cases in which it appears to the court to be just or convenient so to do.

(2) Any such order may be made either unconditionally or on such terms and conditions as the court thinks just.

(3) If, whether before, or at, or after the hearing of any cause or matter, an application is made for an injunction to prevent any threatened or apprehended waste or trespass, the injunction may be granted, if the court thinks fit, whether the person against whom the injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does not claim a right to do the act sought to be restrained under any colour of title, and whether the estates claimed by both or by either of the parties are legal or equitable.

(4) For the purposes of this section “*mandamus*” means the order of *mandamus* made in an action, commanding the fulfilment by a person of a quasi-public duty in which another person has a personal and private interest.

19. (1) The prerogative writs of *mandamus*, prohibition and *certiorari* shall not be issued by the High Court.

(2) Subject to the provisions of section 144 of the Constitution Order and to the provisions of section 23 of this Law the High Court shall have all the jurisdiction of the High Court of Justice in England to make an order of *mandamus* requiring any act to be done or an order of prohibition prohibiting any proceedings or matter, or an order of *certiorari* removing any proceedings, cause or matter in the High Court for any purpose.

20. (1) Informations in the nature of *quo warranto* are hereby abolished.

(2) In any case where a person acts in an office in which he is not entitled to act and an information in the nature of *quo warranto* would immediately before the coming into operation of this Law have lain against him, the High Court may grant an injunction restraining him from so acting and may (if the case so requires) declare the office to be vacant.

(3) No proceedings for an injunction under this section shall be taken by a person who would not immediately before the coming into operation of this Law have been entitled to apply for an information in the nature of *quo warranto* to the former Supreme Court.

(4) Proceedings under this section shall be deemed to be civil proceedings whether for purposes of appeal or otherwise.

21. The jurisdiction conferred upon the High Court by sections 19 and 20 shall, subject to the provisions of this Law and to rules of court, be

exercised by the court in conformity with the law and practice for the time being in force in England.

22. No order of mandamus, of prohibition or of certiorari and no injunction made under the provisions of section 20 shall be made or granted by the High Court in respect of any proceedings in a native court of first instance or of appeal.

23. In the case of action for a forfeiture brought for non-payment of rent, the High Court shall have power to give relief in a summary manner, and subject to the same terms and conditions in all respects as to payment of rent, costs and otherwise as can be imposed by Her Majesty's High Court of Justice in England, and if the lessee, his executors, administrators or assigns are so relieved they shall hold the demised premises according to the terms of the lease and without the necessity of any new lease.

24. Where any person neglects or refuses to comply with a judgment or order directing him to execute any conveyance, contract or other document, or to endorse any negotiable instrument, the High Court may, on such terms and conditions, if any, as may be just, order that the conveyance, contract or other document shall be executed, or that the negotiable instrument shall be endorsed, by such persons as the court may nominate for that purpose, and a conveyance, contract, document or instrument executed or endorsed by any such person shall be valid as if it had been executed or endorsed by the person originally directed to execute or endorse it.

25. In any action in the High Court, the court may promote reconciliation among the parties thereto and encourage and facilitate the amicable settlement thereof.

26. In criminal cases the High Court may promote reconciliation and encourage and facilitate the settlement in an amicable way, of proceedings for common assault or for any other offence not amounting to felony and not aggravated in degree, on terms of payment of compensation or other terms approved by the court, and may thereupon order the proceedings to be stayed.

27. (1) The High Court shall observe, and enforce the observance of, every native law and custom which is not repugnant to natural justice, equity and good conscience, nor incompatible either directly or by implication with any law for the time being in force, and nothing in this Law shall deprive any person of the benefit of any such native law and custom.

(2) Such laws and customs shall be deemed applicable in causes and matters where the parties thereto are natives and also in causes and matters between natives and non-natives where it may appear to the court that substantial injustice would be done to either party by a strict adherence to the rules of English law.

(3) No party shall be entitled to claim the benefit of any native law or custom, if it shall appear either from express contract or from the nature of the transactions out of which any suit or question may have arisen, that such party agreed that his obligations in connection with such transactions should be regulated exclusively by English law or that such transactions are transactions unknown to native law and custom.

(4) In cases where no express rule is applicable to a matter in controversy, the court shall be governed by the principles of justice, equity and good conscience.

28. At any time during the hearing of a criminal cause whether in its original or appellate jurisdiction and before the decision of the court has been announced, the High Court may, and when so required by the Legal Secretary shall, state a case on a point of law for the opinion of the Federal Supreme Court.

PART IV – Provisions Relating to Appellate Jurisdiction

29. The provisions of this Part shall have effect only subject to the provisions of the Constitution Order relating to the appellate jurisdiction of courts established for the Southern Cameroons and in particular to the provisions of sections 147, 148 and 152 of the Constitution Order.

30. The High Court shall have appellate jurisdiction to hear and determine all appeals from the decisions of magistrates' courts in civil and criminal causes and matters given in the exercise of the original jurisdiction of the said courts as well as cases stated by magistrates in accordance with the provisions of this law or of any other written law, relating thereto.

31. The High Court shall have powers of revision in respect of all proceedings in magistrates' courts in accordance with the provisions of any written law relating thereto.

32. (1) The High Court in the exercise of its appellate jurisdiction shall be constituted by a single judge except when in any particular case the Chief

Justice shall direct that the appeal be heard by three judges. Such direction may be given before the hearing of the appeal or at any time before judgment is delivered.

(2) Where the High Court in its appellate jurisdiction consists of three judges, the judgment or order of any two of them shall be deemed the judgment or order of the court. If no two of such judges agree as to the judgment or order to be made, then the judgment or order appealed from shall be the judgment or order of the court.

(3) The provisions of this section shall not be construed as derogating from the provisions of any other written law prescribing the constitution of the High Court in its appellate jurisdiction in any particular class of case.

33. When an appeal is heard by a court consisting of three judges, then, unless the court shall direct to the contrary in a case where, in the opinion of the court, the question is a question of law on which it would be convenient that separate judgments should be pronounced by the members of the court, the judgment of the court shall be pronounced by the presiding judge or such other member of the court hearing the case as the presiding judge may direct, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the court.

34. On the hearing of any appeal from a magistrate's court in a civil case the High Court may draw any inference of fact and either –

- (a) order a new trial on such terms as the court thinks just; or
- (b) order judgment to be entered for any party; or
- (c) make a final or other order on such terms as the court thinks proper to ensure the determination on the merits of the real question in controversy between the parties.

35. Subject to the provisions of this and any other written law the procedure, practice and manner of appeals from a magistrate's court in civil proceedings shall be in accordance with any rules made under this Law and any other written law authorising the making of such rules.

36. In civil appeals from a magistrate's court the appellant shall be entitled to be present at the hearing of the appeal and may appear either in person or by a legal practitioner.

37 (1) Notwithstanding the other provisions of this Part, where the amount in dispute or the value of the subject matter in civil proceedings in a magistrate's court is not more than twenty pounds a judge of the High Court, either on his own motion or on the application within fourteen days by any party aggrieved by a decision of the magistrate on the ground that it is wrong in law, may call for the proceedings and the grounds of judgment and give such orders thereon either by directing a new trial or reversing or varying such decision as may appear to him to be expedient.

(2) The judge may at any stage direct a stay of the execution of the magistrate's decision for such time and upon such security as to him may seem fit, and may vary such direction as circumstances may require when making an order as aforesaid.

(3) The appearance of the parties at such civil proceedings or any of them at such revision shall be in the entire discretion of the judge who may, when such revision is not of his own motion, award costs not exceeding the sum of two pounds.

(4) No appeal shall lie from any direction or order made by a judge under this section, nor shall any question be reserved by him for consideration by the Federal Supreme Court.

38. (1) When the High Court has received the requisite notice of appeal and memorandum of the grounds of appeal in a criminal appeal from a magistrate's court a judge shall peruse the same, and if he considers that there is no sufficient ground for interfering may dismiss the appeal summarily: Provided that no appeal shall be dismissed summarily unless the appellant or the legal practitioner appearing for him has had a reasonable opportunity of being heard in support of the same.

(2) Whenever an appeal is summarily dismissed notice of such dismissal shall forthwith be given to the Legal Secretary and to the appellant or to the legal practitioner appearing for him.

39. If the High Court does not dismiss the appeal summarily it shall cause notice to be given to the appellant and to the respondent or to their respective legal practitioners, if any, on the record and, if one of the parties is a public officer, to the Legal Secretary, of the time and place at which such appeal will be heard and shall furnish the Legal Secretary with a copy of the proceedings and of the notice and grounds of appeal and the provisions of the Criminal Procedure Ordinance shall apply to such service.

40. On the hearing of the appeal in a criminal case the High Court may, notwithstanding that it is opinion that the point raised in the appeal could be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice has occurred.

41. On the conclusion of the hearing of an appeal from a magistrate's court in a criminal case the High Court shall at the same or any subsequent sitting pronounce judgment on the appeal, and in giving such judgment the court may –

(a) on appeal against a conviction, or against both conviction and sentence –

(i) affirm the conviction, or conviction and sentence; or

(ii) quash the conviction, and sentence, and acquit or discharge the appellant, or order him to be retried by a court of competent jurisdiction or commit him for trial; or

(iii) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce or increase the sentence;

(iv) with or without such reduction or increase, and with or without altering the finding, alter the nature of the sentence; or

(v) annul the conviction and substitute a special finding to the effect that the appellant did not act or made the omission charged but was insane so as not to be responsible for his actions at the time he did the act or made the omission, in which case the provisions of section 230 of the Criminal Procedure Ordinance shall apply in relation to the finding of the High Court as they apply in relation to the finding of the court of trial;

(b) on an appeal against sentence only, affirm the sentence or substitute any other sentence, whether more or less severe and whether of the same nature or not;

(c) on an appeal from an order of discharge or acquittal, affirm such order or, if the High Court is of opinion that such order should not have been made, remit the case together with the judgment of the High Court thereon to the court of trial for determination, whether or not by way of rehearing, with such directions as the High Court may think necessary;

(d) on an appeal from any other order, affirm, alter or reverse such order; And in each case may make any amendment or any consequential or incidental order that may appear just and proper.

42. No finding, sentence or order of any magistrate's court sitting in its criminal jurisdiction shall be set aside merely on the ground that the inquiry, trial or other proceeding, in the course of which it was arrived at or passed, took place in a wrong district unless it appears that such error has in fact occasioned a failure of justice.

43. In a criminal appeal from a magistrate's court the appellant may appear in person or by legal practitioner; Provided that an appellant who is in custody and who appears by a legal practitioner shall not himself be entitled as of right to be present at the hearing of the appeal and his attendance or otherwise shall be in the discretion of the High Court.

44. No objection shall be taken or allowed on any appeal to any notice of appeal which is in writing or to any recognisance entered into for the due prosecution of such appeal for any alleged error or defect therein; but if any such error or defect appears to the High Court to be such that the respondent on such appeal has been thereby deceived or misled, it shall be lawful for the court to amend the same and, if it is expedient to do so, also to adjourn the further hearing of such appeal, such amendment and such adjournment, if any, being made on such terms as the court may deem just.

45. (1) No objection on account of any defect in the form of setting forth any ground of appeal shall be allowed, unless the High Court is of opinion that the ground of appeal is so imperfectly or incorrectly stated as to be insufficient to enable the respondent to inquire into the subject matter thereof or to prepare for the hearing.

(2) In any case where the High Court is of opinion that any objection to any ground of appeal ought to prevail, the court may if it thinks fit, cause the ground of appeal forthwith to be amended by the registrar upon such terms and conditions, if any, as the court may think just.

46. If on the hearing of an appeal –

(a) it appears that there is any omission or mistake in the drawing up of the decision or order, and if it is shown, to the satisfaction of the High Court, that there was sufficient evidence before the magistrate who made such decision or order to have authorised the drawing up thereof free from such omission or mistake; or

(b) it appears that there is any defect in the charge, complaint or plaint, and if the High Court is satisfied that the defect is a defect as to form only, the High Court shall amend such decision or order or such charge, complaint or plaint, and proceed thereafter as if no such omission, mistake or defect had existed.

47. On any appeal from a decision of a magistrate's court no objection shall be taken or allowed to any proceeding in such court for any defect or error which might have been amended by such court, or to any complaint, summons, warrant, or other process to or of such court for any alleged defect therein in substance or in form, or for any variance between any complaint or summons and the evidence adduced in support thereof in such court; Provided, however, that if any error, defect, or variance mentioned in this section appears to the High Court at the hearing of any appeal to be such that the appellant has been thereby deceived or misled, it shall be lawful for the High Court either to refer the case back to the magistrate with directions to rehear and determine the same or to reverse the decision appealed from, or to make such other order for disposing of the case as justice may require.

48. On any appeal from a decision of a magistrate's court the High Court may, where it may consider it necessary that evidence should be adduced, either –

(a) order such evidence to be adduced before the High Court on some day to be fixed in that behalf; or

(b) refer the case back to the magistrate to take such evidence, and may in such case either direct the magistrate to adjudicate afresh after taking such evidence and subject to such directions in law, if any, as the court may think fit to give, or direct him, after taking such evidence, to report specific findings of fact for the information of the court; and on any such reference the case shall, so far as may be practicable and necessary, be dealt with as if it were being heard in the first instance.

49. Subject to the provisions of any rules of court, the High Court may in any appeal from a magistrate's court made such order as to the costs of the proceedings in the magistrate's court and in the High Court as it may think just.

50. (1) When a case is decided on appeal the High Court shall certify its judgment or order to the court by which the decision appealed against was pronounced.

(2) The court to which the appeal court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court, and, if necessary, the records shall be amended in accordance therewith.

(3) Where an Order for the imprisonment of any person is affirmed on appeal, whether with or without modification or amendment, or where the High Court upon such an appeal orders the imprisonment of any person, the High Court, if it considers it expedient to do so, may forthwith commit such person to prison in pursuance and execution of such order.

51. The High Court may, if it deems fit, enlarge any period of time prescribed by the Magistrates' Courts (Southern Cameroons) Law, 1955.

52. (1) Any person aggrieved by a decision of the High Court in a civil appeal from a magistrate's court in respect of a Regional matter may appeal against such decision to the Federal Supreme Court, in the same manner as if such appeal were from a decision of the High Court in the exercise of its original jurisdiction.

(2) The prosecutor or any person aggrieved by a decision of the High Court in a criminal appeal from a magistrate's court in respect of a Regional matter may appeal against such decision to the Federal Supreme Court, on a question of law but not on a question of fact or of sentence except with the leave of the Federal Supreme Court, and the Federal Supreme Court shall in respect of such further appeal have the same powers as were exercisable by the High Court in respect of the appeal from the magistrate's court.

(3) Any appeal from a decision of the High Court given in its appellate jurisdiction in a criminal appeal in respect of a Regional matter shall be entered within thirty days of the date of the order or decision against which the appeal is brought.

PART V – Provisions as to Distribution Of Business

53. Subject to any provisions as to vacations or other provisions made by rules of court, the High Court shall be open throughout the year for the transaction of legal business except on Sundays and public holidays.

54. (1) The Chief Justice shall determine the distribution of the business before the court amongst the judges thereof and may assign any judicial duty to any judge or judges.

(2) For the more convenient dispatch of business the court may sit in two or more divisions.

55. In case the judge who should preside over a sitting of the High Court is from any cause unable or fails to attend the same on the day appointed and no other judge shall attend in his stead, the court shall stand adjourned from day to day until a judge shall attend or until the court shall be adjourned or closed by order under the hand of a judge.

56. (1) To the extent that the Legislature of the Southern Cameroons is enabled to confer such power a judge may at any time or at any stage of the proceedings before final judgment, and either with or without application from any of the parties thereto, transfer any cause or matter before him to a magistrate's court: Provided that no such cause or matter shall be transferred to a magistrate's court unless the magistrate thereof has jurisdiction to hear and determine the same.

(2) The power of transfer under this section shall be exercised by means of an order under the hand of the judge and the seal of the High Court.

57. (1) The Chief Justice may at any time or any stage of the proceedings before judgment, and either with or without application from any of the parties thereto, transfer any cause or matter before a judge to any other judge.

(2) The power of transfer under this section shall be exercised by means of an order under the hand of the Chief Justice and the seal of the High Court, and may apply –

(a) to any particular cause or matter in dependence either –

(i) in its entirety; or

(ii) in respect of any part thereof; or

(iii) in respect of any procedure to be taken thereon; or

(b) generally to all such causes and matters as may be described in such order whether future or in dependence at the date of the order.

58. The Chief Justice or judge as the case may be, may, at any time before final judgment has been given by the court to which a cause or matter has been transferred, cancel, vary or amend any order made by him under section 56 or 57 respectively.

59. The Chief Justice or judge, as the case may be, may, if it appear expedient, in the first instant transmit by telegram the contents of any order made by him under sections 56, 57, or 58 and such telegram shall, until receipt of the said order, have same validity and effect as if it were the same order.

60. (1) Every order of transfer shall operate as a stay of proceedings before the judge from whom the proceedings are ordered to be transferred.

(2) A certified copy of the record of such proceedings shall be transmitted to the judge or magistrate to whom the same has been ordered to be transferred.

61. To the extent that such power may be conferred by the Legislature of the Southern Cameroons, a judge may at any time or at any stage of the proceedings before final judgment by order under his hand and the seal of the court transfer any matter before him to a native court having jurisdiction in such cause or matter.

62. No appeal shall lie from any order of transfer made under sections 56, 57, 58, 59 or 61.

PART VI – Trial, Practice and Procedure

63. Subject to the provisions of this Law or any other written law and subject to any rules of court, all civil and criminal causes or matters and all proceedings in the High Court and all business arising thereout shall so far as is practicable and convenient be tried, heard and disposed of by a single judge, and all proceedings in an action subsequent to the hearing or trial down to and including the final judgment or order shall so far as is practicable and convenient be taken before the judge before whom the trial or hearing took place.

64. A judge may, subject to the rules of court, exercise in court or in chambers all or any part of the jurisdiction vested in the High Court in all such causes and matters and in all such proceedings in any causes or matters as may be heard in court or in chambers respectively by a single judge of Her majesty's High Court of Justice in England.

65. Subject to the provisions of this Law with respect to appeals in matters of practice and procedure, every order, made by a judge in chambers, except such orders as to costs only which by law are left to the discretion of the court, may upon notice be set aside or discharged by the judge sitting in court.

66. (1) A judgment of any of the following courts, that is to say, the Federal Supreme Court, the former Supreme Court, or any High Court established for any Region or Lagos in favour of any party to any cause or matter before such court may, in respect of the same subject matter, be pleaded as a defence to any proceedings commenced in the Southern Cameroons High Court by the unsuccessful party to such cause or matter.

(2) Nothing in this section shall be taken to prevent any judgment, other than a judgment referred to in subsection (1), being pleaded as a defence if such judgment could have been so pleaded in the former Supreme Court immediately before the commencement of this Law.

67. (1) In every cause or matter the presiding judge shall take down in writing the purport of all oral evidence given before the court which he considers material, and minutes of the proceedings, and shall sign the same at any adjournment of the case and at the conclusion thereof.

(2) No person shall be entitled, as of right, to the inspection of or to a copy of the records so kept as aforesaid save as may be expressly provided for by rules of court.

(3) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the registrar shall at all times, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

68. In any cause the High Court may on the application of either party, or of its own motion, make such order for the inspection by the court, the jury, the parties or witnesses of any movable or immovable property, the inspection of which may be material to the proper determination of the question in dispute, and give such direction respecting such inspection as to the court may seem fit.

69. Civil and criminal shall be tried by a judge alone except where express provision to the contrary is made by this Law or any other written law.

70. (1) In any civil cause or matter before the High Court, the court may, if it thinks it expedient so to do, call in the aid of one or more assessors specially qualified, and may try and hear the cause or matter wholly or in part with their assistance.

(2) The remuneration, if any, to be paid to an assessor shall be determined by the court.

71. Where for the purposes of disposing of any action or other matter which is being tried in the High Court by a judge with a jury or assessor it is necessary to ascertain the law of any other country or the native law or custom of Nigeria which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law or custom shall, instead of being submitted to the jury or assessors, be decided by the judge alone.

72. (1) Subject to the rules of court, the High Court or a judge may refer to an official or special referee for inquiry or report any question arising in any cause or matter, other than a criminal proceeding.

(2) The report of an official or special referee may be adopted wholly or by the court or a judge, and if so adopted may be enforced as a judgment or order to the same effect.

73. To the extent that the Legislature of the Southern Cameroons is enabled to confer such power, in any case or matter other than a criminal proceeding –

(a) if all the parties interested who are not under disability consent; or

(b) if the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the court or a judge conveniently be conducted by the court through its ordinary officers; or

(c) if the question in dispute consists wholly or in part of accounts, the High Court or a judge may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee or arbitrator respectively agreed on by the parties, or before an official referee or officer of the court.

74. (1) In all cases of reference to an official or special referee or arbitrator, the official or special referee or arbitrator, shall be deemed to be an officer of the High Court, and subject to the rules of court shall have such authority, and conduct the reference in such manner, as the court or a judge may direct.

(2) The report or award of an official or special referee or arbitrator on any reference shall, unless set aside by the court or a judge, be equivalent to a finding of the court.

(3) The remuneration to be paid to a special referee or arbitrator to whom any matter is referred under an order of the court or a judge shall be determined by the court or a judge.

75. The High Court or a judge shall, in relation to references, have all such powers as are conferred by the Arbitration Ordinance on the court or a judge in relation to submissions.

76. The High Court or a judge may order that a writ of *habeas corpus ad testificandum* shall issue to bring up a prisoner for examination before an official or special referee or arbitrator.

77. A referee or arbitrator may at any stage of the proceedings under a reference, and shall, if so directed by the High Court or a judge, state in the form of a special case for the opinion of the High Court any question of law arising in the course of the reference.

78. An order made under the provisions of this Law relating to inquiries and trials by referees may be made on such terms as to costs or otherwise as the High Court or a judge thinks fit.

79. Costs shall be allowed to a successful plaintiff on the scale prescribed for similar proceedings in a lower court in any action brought by him in the High Court which might have been tried in a lower court in its civil jurisdiction, unless the judge is of the opinion that the action was one which it was proper to bring in the High Court and certifies accordingly.

80. (1) Where the plaintiff in any action in the High Court proves, at any time before final judgment, by evidence on oath to the satisfaction of the court or a judge –

(a) that he has good cause of action against the defendant to an amount of not less than fifty pounds; and

(b) that there is probable cause for believing that the defendant is about to quit Nigeria or the Southern Cameroons unless he is apprehended; and

(c) that the absence of the defendant from Nigeria or the Southern Cameroons will materially prejudice the plaintiff in the prosecution of his action the court or judge may, in the manner prescribed by rules of court order that the defendant shall be arrested and imprisoned until the expiration of the period, not exceeding six months, specified in the order, or, if judgment in the action be given before the expiration of that period, until judgment, but that he shall be release from custody upon his paying into court the amount claimed in the action or upon his giving security as prescribed by the rules of court, in the sum specified in the order but not exceeding the amount so claimed, that he will not go out of Nigeria without the leave of the court.

(2) Where the claim is for a penalty or sum in the nature of a penalty, other than a penalty in respect of any contract, the provisions of subsection (1) shall apply as if it were an action, but it shall not be necessary to prove that the absence of the defendant from Nigeria or the Southern Cameroons will materially prejudice the plaintiff in the prosecution of his action, and the security given, instead of being that the defendant will not go out of Nigeria or of the Southern Cameroons, shall be to the effect that any sum recovered against the defendant in the action shall be paid.

81. (1) The presiding judge may in any cause or matter order and allow to all persons required to attend or be examined as witnesses, such sum or sums of money as may be specified by rules of court as well as for defraying the reasonable expenses of such witnesses as for allowing them a reasonable compensation for their trouble and loss of time.

(2) All sums of money so allowed shall be paid in civil proceedings by the party on whose behalf the witness is called, and shall be recoverable as ordinary costs of suit if the court shall so order, and in criminal proceedings they shall, unless by the court ordered to be paid by the party convicted or the prosecutor, be paid out of the general revenue.

82. Any person present in court, whether a party or not in a cause, may be compelled by the court to give evidence, and produce any document in his possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or to produce such document, and may be dealt with for any refusal to obey the order of the court as for contempt of court.

83. (1) A judge may issue a warrant under his hand for bring up any person confined within the Southern Cameroons as a prisoner under any sentence or order of commitment for trial or otherwise or under civil process to be examined as a witness in any cause depending or to be inquired of in the High Court: Provided that such warrant shall not be granted as of course, nor unless the judge shall have probable grounds for believing that the evidence of the prisoner is likely to prove material.

(2) The Superintendent of Prisons or person in whose custody such prisoner may be shall forthwith obey such warrant by bringing the prisoner to the court in his custody, or by delivering him to an officer of court as the warrant may order, and if the prisoner shall under the terms of the warrant be delivered to any officer of the High Court the Superintendent of Prisons or other person shall not be liable for escape of such prisoner.

84. (1) Subject to the provisions of this or any other written law all persons for the time being entitled to practise as a legal practitioner in the High Court unless he is suspended or prohibited from so practising by or under the provisions of any written law.

(2) A person admitted to practise in the former Supreme Court shall be entitled to practise as a legal practitioner in the High Court unless he is suspended or prohibited from so practising by or under the provisions of any written law.

85. (1) In the case of a prosecution by or on behalf of the Crown or by any public officer in his official capacity, the Crown or that officer may be represented by the Legal Secretary, crown counsel or police officer, or by any legal practitioner or other person duly authorised in that behalf by or on behalf of the Legal Secretary or, in the case of an offence against a Federal Law, by or on behalf of the Attorney-General of the Federation.

(2) Subject to the provisions of the Lands and Native Rights Ordinance, in any civil cause or matter in which the Crown or any public officer in his official capacity is a party, or in any civil cause or matter affecting the revenue, the Crown or that officer may be represented by a law officer or crown counsel or by any legal practitioner or other person duly authorised by or on behalf of the Legal Secretary or, in the case of civil causes relating to matters within the exclusive legislative competence of the Federal legislature, by or on behalf of the Attorney-General of the Federation.

86. In any cause or matter to which a native authority is a party such native authority may be represented at any stage of the proceedings by any member or officer of the native authority who shall satisfy the magistrate that he is duly authorised in that behalf.

87. Any legal practitioner or other person doing any act or taking any proceeding in the High Court in the name or on behalf of another person, not being duly authorised thereunto and knowing himself not to be so authorised, shall be guilty of contempt of court.

PART VII – Officers of the Court

88. (1) The Governor-General may appoint a Chief Registrar of the High Court, and such other registrars, deputy registrars and other officers as may be deemed necessary.

(2) There shall be a Probate Registrar of the High Court whose office shall be filled by the Administrator-General of the Federation unless and until some other person or officer shall be nominated by the Chief Justice to carry out those duties.

(3) The Chief Registrar shall perform such duties in execution of the powers and authorities of the High Court as may be assigned to him by rules of court or, subject thereto, by any special order of the Chief Justice.

(4) The registrars, deputy registrars and other officers appointed under this section shall perform all such duties with respect to business before the High Court as may be directed by rules of court or any order of the Chief Justice.

89. If any officer of the High Court employed to execute an order wilfully or by neglect or omission loses the opportunity of executing it, then on complaint of the person aggrieved and proof of the fact alleged, the court may if it thinks fit order the officer to pay damages sustained by the person complaining or part thereof, and the order shall be enforced as an order directing payment of money.

90. No officer of the High Court without the leave of a judge may directly or indirectly or by the intervention of a trustee or otherwise purchase any property sold at execution, and in the event of any such person purchasing or being interested in the purchase of any property at an execution sale in contravention of this section, such purchase shall be void.

91. (1) The Chief Justice may appoint under his hand and the seal of the High Court such and so many persons as may be requisite to be commissioners within the Southern Cameroons for taking affidavits and declarations and receiving production of documents, or for taking the examination of witnesses on interrogatories or otherwise which may be necessary to be taken in respect of any proceedings in court, and any order of the court for the attendance and examination of witnesses or production of documents before any such commissioner shall be enforced in the same manner as an order to attend and be examined or produce documents before the court.

(2) All persons who are before the date of commencement of this Law duly appointed commissioners for oaths in Nigeria shall be deemed to be commissioners for oaths duly appointed in pursuance of this section.

92. No action shall be brought against any commissioner in respect of any act or order *bona fide* performed or made by him in the execution or supposed execution, of the powers or jurisdiction vested in him, but every such act or order if in excess of such powers and jurisdiction shall be liable to be revised, altered, amended or set aside upon summary application to the court.

93. (1) No judge shall be liable for any act done by him or ordered by him to be done in the discharge of his judicial duty, whether or not within the limits of his jurisdiction, provided that he at the time, in good faith, believed himself to have jurisdiction to do or order to be done the act in question.

(2) No officer of any court or other person bound to execute any warrant or order issued by a judge shall, solely on the ground that the judge who issued it was not acting within the limits of his jurisdiction in so doing, be liable in any action for damages for executing such warrant or order.

PART VIII – Rules of Court

94. (1) The Chief Justice with the approval of the Governor-General may make rules of court for carrying this Law into effect, and in particular for all or any of the following matters –

(a) regulating the pleading, practice and procedure of the court, including all matters connected with the forms to be used and the fees to be payable;

- (b) the practice and procedure for election petitions presented under and by virtue of any law which confers a right to present such petitions to the High Court;
- (c) the practice and procedure upon an appeal or an application to the High Court where provision is made in any law for such an appeal or such an application;
- (d) the practice and procedure in cases where an order of *mandamus*, prohibition or *certiorari* is sought or proceedings are taken for an injunction under sections 19 or 20;
- (e) regulating, subject to the provisions of section 95, trials by the court with a jury or with assessors;
- (f) regulating –
 - (i) the fees of legal practitioners; and
 - (ii) the taxation and recovery of their fees and disbursements;
- (g) defining, so far as conveniently may be defined by general rules, the duties of the several officers of court;
- (h) regulating the procedure for the grant of probate and letters of administration and for securing the due administration of estates;
- (i) requiring and regulating the filing of accounts by executors and administrators of estates;
- (j) fixing the fees payable on the grant of probate and letters of administration and on all matters incidental to the administration of an estate until the passing of the final accounts and the discharge of the administrators;
- (k) providing that no fees need be paid, or that certain fees need not be paid, or which fees must be paid on the grant of probate or letters of administration in respect of estates of small value;
- (l) ascertaining the value of estates;

- (m) regulating the administration of estates either generally or in respect of different classes or kinds of estates or of estates of different classes of persons;
- (n) regulating and prescribing the procedure in connection with the transfer of proceedings from any lower court to the High Court or from the High Court to a lower court;
- (o) regulating subject to the provisions of Part V, the sittings of the High Court and of the judges thereof whether sitting in court or chambers, the business and hours of the court and of the officers connected therewith, and the conduct of the business of the court during vacation;
- (p) prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by judges of the High Court in chambers may be transacted or exercised by registrars or other officers of the High Court;
- (q) regulating any matters relating to the costs of proceedings in the High Court;
- (r) regulating and prescribing the duties and procedure of referees and arbitrators;
- (s) subject to the provisions of section 95, regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with or at any stage of any proceedings, and regulating the obtaining of evidence for foreign tribunals;
- (t) the means by which any judgment or decree of any court outside Nigeria or of the Federal Supreme Court or the former Supreme Court or of any High Court established or to be established elsewhere in Nigeria shall be proved or enforced;
- (u) regulating the arrest of absconding defendants and the giving of security for their release;
- (v) regulating the payment of allowances and travelling expenses of witnesses;

(w) providing for the service or execution of any writ, warrant, order or other process issuing out of or transmitted by a native court for service in like manner as similar process issuing out of the High Court; the payment of mileage before or after service or execution; the conditions present before any such process or process of certain classes will be served or executed and the procedure to be followed after the service or execution of such process;

(x) imposing penalties on any person who fails to take any action required by a rule of court or who disobeys any rule of court.

(2) Rules of court made under this section shall apply to all proceedings by or against the Crown.

(3) Until rules are made under the provisions of this section the rules of court made under the Supreme Court Ordinance and in force on the date of the coming into operation of this Law, shall, in so far as such rules do not conflict with the provisions of this Law, remain in full force and effect with such modifications as may be necessary to make them applicable to the provisions of this Law.

95. Nothing in this Law and, subject as hereinafter in this section expressly provided, nothing in rules of court made under this Law, shall affect the mode of giving evidence by the oral examination of witnesses, or the rules of evidence, or the law relating to jurymen or juries: Provided that nothing in this section shall-

(a) prejudice the operation of any rules of court made in pursuance of the express power conferred by this Law to make rules of court for regulating the means by which particular facts may be proved and the mode in which evidence thereof may be given; or

(b) affect the power of the court for special reasons to allow depositions or affidavits to be read.

PART IX – Transitional

96. (1) All proceedings commenced or taken or proceeding in accordance with the rules or practice in the former Supreme Court in respect of any cause or matter pending or part heard at the date of the assumption of its functions by the High Court, being a cause or matter which if commenced or taken after such date could have been commenced or taken under this

Law, shall as from that date be as valid and effectual as though they had been commenced or taken or proceeding in accordance with the provisions of this Law and such proceedings shall continue before the High Court in accordance with the provisions of this Law.

(2) All proceedings commenced or taken or proceeding under the Magistrates' Courts (Appeals) Ordinance in respect of an appeal or case stated pending or part heard at the date of the assumption of its functions by the High Court relating to a cause or matter being a cause or matter which, if commenced or taken after such date could have been commenced or taken under this Law, shall as from that date be as valid and effectual as though they had been commenced or taken in accordance with the Magistrates' Courts (Southern Cameroons) Law, 1955, in respect of an appeal or case stated from a court established under that Law, and shall continue before the High Court in accordance with the provisions of Magistrates' Courts (Southern Cameroons) Law, 1955, and this Law.

(3) Any cause or matter which has been transferred from a native court to the former Supreme Court shall be heard and determined by the High Court as though such order of transfer had been made to the High Court.

(4) Nothing in this section shall operate to transfer to the High Court proceedings in respect of any cause or part of a cause or any appeal or case stated in which the High Court does not have jurisdiction.

This printed impression has been carefully compared by me with the Bill which has passed the Southern Cameroons House of Assembly, and is found by me to be a true and correctly printed copy of the said Bill.

L. ROBERTS,
Clerk of the Southern Cameroons
House of Assembly

Note

The marginal notes printed at the side of sections of this law have been left out as they correspond to the titles of the various sections as they appear in the arrangement of sections.

Chapter 5

Regulations Regarding Public Service, Plebiscite, Chiefs and House of Chiefs

Southern Cameroons Public Service Commission Regulations, 1960

Date of Commencement: 1st February, 1960

In exercise of the powers vested in the Commissioner of the Cameroons by section 177 of the Nigeria (Constitution) Order in Council 1954, as applied by section 180P of that order, the following regulations are hereby made :-

1. These regulations may be cited as the Southern Cameroons Public Service Commission Regulations, 1960.

2. In these regulations unless the context otherwise requires –

“Chairman” means the person appointed under these as chairman of the Commission and shall include any temporary chairman appointed under these regulations to act during the absence or incapacity of the chairman;

“Commission” means the Southern Cameroons Public Service Commission appointed under these regulations;

“Commissioner” means the Commissioner of the Cameroons acting in his discretion;

“member” means any person appointed under these regulations as chairman or member of the Commission, and shall include any person appointed under these regulations to be a temporary member;

“official document” means any document or paper prepared by any public officer in the course of his employment or any document or paper which comes into the custody of any public officer in the course of such employment;

“the order” means the Nigerian (Constitution) Order in Council, 1954 as amended from time to time;

“public office” means the holder of emolument in the public service of the Southern Cameroons;

“public officer” means the holder of any public office including any person appointed to act in any such office;

“the secretary” means the person appointed under these regulations as secretary of the Commission.

3. The commissioner shall by writing under his hand appoint a chairman and three other persons to be members of the commission.

4. Without prejudice to the power conferred by the Order to terminate the appointment of a member of the Commission at any time the Commissioner may, if he thinks fit in the instrument appointing a member, specify the period, being a period not exceeding five years, during which the member shall hold office. in the event of the death, retirement or permanent incapacity of the chairman or of a member prior to the expiration of the term of his appointment, the Commissioner shall by writing under his hand appoint a person to be chairman or a member, as the case may be, of the Commission in place of the person so dying, retiring or becoming incapacitated.

5. Any person whose term of office under the foregoing paragraph has expired shall not be ineligible for re-appointment either as chairman or as a member by reason only of having previously held office as chairman or a member.

6. The Commissioner may grant leave of absence from his duties to the chairman or to any member and during such absence or during any period of incapacity of the chairman or member may appoint a person to be temporary chairman or temporary member as the case may be.

7. (1) The Commissioner shall appoint a secretary to the Commission and shall authorize the appointment of such other staff as from time to time shall seem to him to be necessary.

(2). The Commissioner may grant leave of absence to the secretary and during any such period of leave or during any temporary absence may appoint a person to act as temporary secretary .

The secretary shall not be a member of the Commission and his functions and duties shall be limited to matters of an administrative and executive nature.

9. It shall be the duty of the commission to t advice the commissioner

a) on any matter concerning the policy of the government of the Southern Cameroons in relation to the marking of appointments to the public service of the Southern Cameroons which he may refer to it;

(b) In regard to all appointments and temporary appointments to public offices in public offices.

(d) In regard to all cases where a breach of discipline in alleged against a public officer.

In this regulation “appointments” includes appointments on promotion, transfer or secondment.

10. (1) Every meeting of the commission shall be presided over by the chairman.

(2) The chairman and one other member shall form a quorum for a meeting.

(3) All decisions of the commission shall be by a majority of the chairman and the members present and voting provided that the chairman shall have a second or casting votes whenever the voting shall be equal.

11. A record shall be kept of the members present and of the business transacted at every meeting of the Commission. Any member who is present when a decision is made shall be entitled to dissent therefrom and to have his dissent and his reasons therefore set out in the record of such meeting.

12. Decision may be made by the commission without a meeting by circulation of the relevant papers to the chairman and one member and the expression of their views in writing but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Commissioner. Papers so circulated shall be circulated to each of the members present in Buea.

13. In the discharge of its functions the commissioner may in its discretion call for the advice of any person who may appear qualify to assist the commission by reason of experience, specialized knowledge or other relevant consideration.

14. Any report, statement or other communication or record of any meeting, inquiry or proceedings which the commission may take in exercise of its functions the discharge of any duty to the commissioner or to any public officer, shall be privileged in that its production may not be compelled in any legal proceedings if the commissioner certifies that such production is not in the public interest.

15. The commission may, subject to any special direction which the commissioner may give, require any public officer to attend and give evidence before it concerning any matter which it is required to consider in exercise of its functions and may require the production of any official documents relating to any such matter.

16. Any public officer who submits any matter for the consideration of the commission shall ensure that all relevant documents and papers are made available to the commissioner.

17. Any public officers who without reasonable excuse fails to appear before the commission when notify to do so, or who fails to comply with request lawfully and properly made by the commission shall be guilty of breach of discipline.

18. Any person, other than the public officer acting in the course of his duties as such or an adviser under the regulation 13 hereof, who does any act of the purpose of influencing any decision of the commission or of the chairman or of any member shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding £200 or imprisonment for a term not exceeding one year or to both such fine and imprisonment. Provided that nothing in this regulation shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public for any public office or from supplying any information or assistance upon formal request by the commission.

19. Any person who in connection with any applicant by any person for employment or promotion in the public service, or with any matter upon which it is the duty of the commission to advise the commissioner, wilfully gives to the commission or any member thereof or to any person or body

of persons appointed by any regulation to assist the commission in the exercise of its functions or the discharged of its duties any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of omission of any material particular, shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding or to £200 imprisonment for a term not exceeding one or to both such fine and imprisonment.

20. (1) Neither the chairman nor any member nor any person shall without the written permission of the commissioner publish or disclose to any person or otherwise than in exercise of his functions under the order or under these regulations or if he is a public officer in the course of his duties as such the content of any document, communication or information whatsoever which has come to his notice in the course of his duties under the Order or these regulation in respect of any matter referred to the commission and any person who knowingly acts in contravention of this regulation shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provision of sub-regulation (1) of this regulation publishes or communicates to any other person otherwise than for the purpose of any prosecution or proceedings under these regulations any such information, he shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Made at Buea this 5th of February, 1960.

J.O. FIELD

Commissioner of the Cameroons

Supplements to Southern Cameroons Gazette Extraordinary, No.17, vol. 6, 4th May, 1960-part B

Southern Cameroons House of Chiefs (Conduct of Proceedings) Regulations, 1960

Commencement: 4th May, 1960

In exercise of the power conferred by section 236 of the Nigeria (Constitution) Order in council, 1954, the Commissioner of the Cameroons has made the following regulations—

Citation

1. These regulations may be cited as the Southern Cameroons house of Chiefs (conduct of proceedings) regulations, 1960.

Definition

2. In these regulations, unless the context otherwise requires—”

“Bill” includes the draft of a Bill

“House” includes a committee of the whole House

“President” includes when the house is in committee of the whole house, the chairman.

Meetings

3. (1) The meeting of the House of chiefs shall be held in such places and shall begin at such times as the commissioner of the Cameroons may, from time to time, by notice published in the Gazette, appoint.

(2) The first meeting of the House shall begin within twelve months after the commencement of these regulations. Therefore meetings of the House shall be held from time to time, but so that a period of twelve months shall not intervene between the last sitting of House at one meeting and a date appointed for its first sitting at the next meeting, whether or not a dissolution of the House occurs between such meetings.

(3) A meeting may be adjourned from day to day or over a short interval.
Presidency in the House of chiefs

4. There shall preside at the sittings of the House of chiefs—

(a) The president; or

(b) In the absence of the president such person as the commissioner of the Cameroons may appoints; or

(c) In the absence of the president and of any person so appointed, such member of the House as the House may elect for that purpose, and any person presiding in accordance with paragraphs (a) or (c) shall have all the powers conferred on the president by these regulations, subject to any exclusion thereof or any direction in respect thereof communicated to him by the president.

Allocation of seats.

5. The president shall allocate a seat to each member of the House.

Sittings

6. (1) On the days on which the House sits, the House shall meet at 10 a.m. and, unless sooner adjourned shall sit until 6 p.m. or such later time as the president may appoint, when the president shall adjourn the House without question put: Provided that at 1.p.m. the president shall suspend the sitting until 3 p.m.

(2) The House shall not adjourn until the time appointed for the termination of the sitting except in pursuance of a resolution the motion for which has been made by a member of the Executive Council.

Duties of the clerk.

7. (1) At the opening of each day's proceedings the clerk shall distribute to members a paper, to be known as the Order paper, setting forth the business of the day.

(2) The clerk shall keep minutes of the proceedings of the House and shall circulate to members a copy of such minutes as soon as practicable after the conclusion of each sitting.

(3) The minutes shall record all decisions of the House, whether made formally or informally.

(4) In the case of a division of the House, the minutes shall include the numbers voting for and against the question and the names of members so voting.

(5) The clerk shall be responsible for the custody of the votes, records, Bills, or other documents laid before the House, which shall be open to the inspection of by members of the House and other persons under such arrangements as may be sanctioned by the president.

(6) The clerk shall notify each member of the date time and place appointed by the commissioner of the Cameroons for the commencement of meeting of the House and shall if practicable send to each member a copy of the Order paper.

Quorum.

8 (1) the quorum of the House shall be eleven members entitled to vote.

(2) Subject to the provision of regulation 10, if any member draws the attention of the president to the fact that a quorum of the House is not present, or if from the number of members taking part in division, including those members who decline to vote, it appears that a quorum is not present, the president shall cause members to be summoned as if for a division. At the expiration of two minutes from giving such order, the president shall count the House and, if a quorum is not then present, shall adjourn the House forthwith without question put.

Order of Business

9. Unless the president otherwise direct the business of each sitting day shall be transacted in the following order.-

- (a) Formal entry of the president;
- (b) Prayers;
- (c) Messages from her majesty the queen of the high commissioner;
- (d) Other announcements by the president;
- (e) Papers;
- (f) Questions to members;
- (g) Statements by members of the executive council and obituary speeches;
- (h) Matters submitted for the consideration of the House by the commissioner of the Cameroons.

(i) Matters submitted to the House for the consideration of the House by a member of the Executive council.

(j) Matters submitted for the consideration of the House by other members. When High Commissioner is present.

10. Whenever the house has been informed that the High Commissioner will be present in the House on a specified date and at a given time then on that a day no motion for the adjournment of the House shall be made before the time for which the high commissioners arrival has been notified and the House shall not be adjourned for lack of a quorum before that time and the presence of the high commissioner shall make a house without regard to the number of members actually present.

Papers

11. (1) All papers shall be presented by a member of the executive council and their presentation shall be entered in the minutes.

(2) A member of the executive council presenting a paper may make a short explanatory statement of its contents.

Language

12. (1) the official language of the House shall be English, but a member may, with the approval of the president, address the House in a Language other than English.

(2) The president may make such arrangements for interpretation as he may think fit.

Questions

13. (1) questions may be put to members of the executive council relevant to public affairs for which they are responsible.

(2) Every Question shall be put in writing and delivered to the clerk and, unless an oral answer is required, the answer shall be circulated with the Order paper and record in the minutes.

(3) A member who requires an oral answer to question shall mark his notice with an asterisk and a written reply shall be read by the member to whom it is addressed. The number of questions to which a member may ask for oral answer shall not exceed three in one day.

(4) A member may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given. A supplementary question shall not be used to introduce matter not related to the original question.

(5) Questions shall comply with the following rules—

(a) A question shall not contain arguments, inferences opinions, imputations, epithets, or controversial, ironic or offensive expressions, nor shall a question refer to debates or answers to questions in the current meeting, nor may a question be asked which is in substance a repetition of a question already answer or to which an answer has been refused during the same meeting;

(b) Not more than one subject shall be referred to in any one question, and questions shall not be of excuse length

(c) A question shall not include the name of or statement not strictly necessary to render the question intelligible nor contain charges which the member who asks the question is not prepared to substantiate,

(d) a question may not be asked for purpose of obtaining an expression of opinion, the solution of an abstract legal case or the answer to a hypothetical proposition ;

(e) A question may not be asked which makes or implies charges of a personal character or which reflects upon character or conduct except of persons in their official or public capacity;

(f) References may not be made to any matter on which a judicial decision is pending in such way as to prejudice the interest of the parties thereto;

(g) A question may not ask whether statements in the press or of private individuals or unofficial bodies are accurate; nor may a question be based on a newspaper report.;

(h) A question on an industry or undertaking which has been placed by the legislature of the Southern Cameroons under the control of a statutory body must be restricted to those matters for which a member of the Executive council is made responsible by the law concern ; but within the distraction of the president, a question relating to day to day administration may exceptionally be allowed provided that in his opinion the matter is of sufficient public importance to justify this concession.

(6) The president shall have the right to refuse any question which his opinion infringes any of the provision of paragraph (5) of this regulation, or one which in his opinion cannot be published without detriment to the public interest.

Manner of giving notice.

14. (1) Where under any provision of these regulations notice is required, such notice shall be given by being handed in at the Table during the sitting of the House or by delivery at the office of the Clerk.

(2) The Clerk shall record the day upon which a notice was handed in .

(3) Any such notice, if printed, shall be printed in the form in which it is handed in or with such alterations as the President may direct.

Notice of motions.

15. Subject to the provisions of these regulation, notice shall be given of any motion which it is proposed to make, with the exception of the following-

(a) a motion for a resolution tendering advice to the Commissioner of the Cameroons in relation to any Bill submitted for the consideration of the House;

(b) a motion for the adjournment of the House or of any debate;

(c) a motion arising out of the business of the day made immediately after that businesses disposed of and before any fresh matter is entered upon.

Debate on notice.

16. No debate shall take place on the giving of notice of any motion, and subject to regulation 15, or unless the President shall otherwise direct, not less than three days' notice shall be given of any motion.

Rules of debate.

17. In speaking to any proposition under consideration of the House the following rules shall be observed-

- (a) A member desiring to seek shall rise in his place and address his observations to the President;
- (b) If two or more members rise at the same time, the President shall call on the member who first catches his eye;
- (c) A member shall not read his speech, but he may refresh his memory by reference to notes;
- (d) A member shall confine his observations to the subject under discussion;
- (e) Reference shall not be made to any matter on which a judicial decision is pending in such a way as might in the President's opinion prejudice the parties thereto.
- (f) It shall be out of order to attempt to reconsider any specific question upon which the House has come to a conclusion during the current meeting;
- (g) No member shall impute improper motives to another member;
- (h) Except when the House be in Committee, no member shall speak more than once on any proposition before the House except to a point of order or, in the case of the mover of a substantive motion, in reply, but any member may second a motion of amendment without prejudice to his right to speak at a later period of the debate if he does it formally saying "I beg to second",
- (i) A member who has spoken to a question may again be heard to offer explanation of some material part of his speech which has been misunderstood; but he may not introduce new matter;
- (j) A member who has spoken may speak again when a new question has been proposed from the Chair, such as a proposed amendment or a motion for adjournment of the debate;
- (k) The name of Her Majesty, or of the High Commissioner or of the Commissioner of the Cameroons shall not be used to influence the House;
- (i) The conduct of Her Majesty, or of the Royal Family, the High Commissioner, the Commissioner of the Cameroons, Members of the House and judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion, and in any

amendment, question to a member or remarks in a debate on a motion dealing with any other subject, any reference to the conduct of the persons aforesaid shall be out of order;

(m) It shall be out of order to use offensive and insulting language about members of the House;

(n) It shall be out of order to use expressions which are blasphemous or insulting to religious beliefs of any member;

(o) No member shall impute improper motives to any other member;

(p) No member shall be entitled to address the House for more than thirty minutes; provided that the mover of an original motion shall be entitled to forty-five minutes for his opening speech and the House may at any time by motion made and carried without amendment or debate extend the time limited by this proviso.

The President's ruling on the time taken by a member shall be final.

Anticipation

18 (1) It shall be out of order to make a motion or move an amendment dealing with the subject matter of a motion or Bill already appointed for consideration, or if it deals with the subject matter of a motion of which notice has been given.

(2) A motion, notice of motion, Bill or amendment of which notice has been given shall not be anticipated in any debate.

Termination of debate

19. (1) No member may speak to any question after the same has been fully put by the President.

(2) A question is fully put when the President has collected the voices both of the Ayes and the Noes.

(3) When a question for debate has been proposed, debated and disposed of it shall not be competent to any member, without special leave of the President, again to propose such question within six months.

President to be heard in silence.

20. Whenever the President rises during a debate, any member then speaking or offering to speak shall sit down, and the House is to be silent so that the President may be heard without interruption.,

Raising point of order.

21. (1) Any member deviating from the provisions of these Regulations may be immediately called to order by the President or by a member rising to a point of order. A member rising to a point of order shall simply direct attention to the point he desires to bring to notice and submit it to the President for decision.

(2) When the question of order has been stated, the member who raises it shall resume his seat and no other member, except with the leave of the President, shall resume his seat and no other member, except with the leave of the President has decided the question, after which the member who was addressing the House at the time the question was raised shall be entitled to proceed with his speech giving effect to the ruling from the Chair.

Behaviour of member not speaking

22. (1) During a sitting members shall enter or leave the House with decorum.

(2) Members shall not cross the floor of the House unnecessarily nor sit in a place allotted to any other member.

(3) Members shall not read newspapers in their place and shall only read such books and letters as may be connected with the business under debate.

(4) During a sitting all members shall be silent, or shall confer only in undertones.

(5) Members shall not make unseemly interruptions while any member is speaking.

Motion and amendments

23. (1) A motion shall be moved and seconded and the member who moves the motion may give an exposition of its provisions and thereafter the motion may be debated and the mover may reply after other members if any have spoken thereon.

(2) When any motion is under consideration in the House an amendment may be proposed to such motion if it be relevant to the matter then under discussion. An amendment may be proposed to any amendment proposed from the chair if it be relevant to that amendment.

Withdrawal of motions or amendments

24. (1) A motion or amendment may be withdrawn at the request of the mover after the question thereon has been proposed but before it has been fully put, provided there is no dissentient voice.

(2) If an amendment has been proposed to a question, the original motion may not be withdrawn until the amendment had been disposed of.

Special Procedure for Bills

25. (1) Every bill which has been laid upon the Table of the House shall be introduced by a member of the Executive Council.

(2) The member who introduces a Bill shall move a resolution to the effect that the House do advise the Commissioner of the Cameroons that the Bill is acceptable to the House, and may give an exposition of the provisions of the Bill.

(3) If the resolution aforesaid is seconded, there may be a debate on the merits and principles of the Bill and after members, if any, other than the member who introduced the Bill may reply.

(4) Upon the conclusion of the debate, the President shall put the question "That this House do advise the Commissioner of the Cameroons that this Bill is acceptable in principle to this House"

(5) Unless such question is determined in the negative, the Bill shall stand committed to a Committee of the whole House.

(6) The Bill shall be considered in committee clause by clause and any member may propose any resolution rendering advice to the commissioner of the Cameroon in respect of any of the provision of the Bill and such resolution shall not required to be seconded before been considered.

(7) Upon the conclusion of the proceedings of the committee, the House shall resume and the member who introduced the Bill shall report the same to the House, with or without amendment, where upon the president shall put either the question "That this House do advise the Commissioner

of the Cameroons that this Bill is acceptable to this House” or the question “That this House do advise them commissioner of the Cameroons table this Bill is acceptable to this House with the amendment recommended in committee” as the case may require.

26. (1) All questions proposed for decision in the House shall be determined by the majority of the vote of the members present and entitled to vote, and voting.

(2) The president shall not have an original vote but he may give a casting vote if on any question the votes are equally divided.

(3) If on any question the votes are equally and the president does not exercise the casting vote the motion shall be lost.

27. (1) At the conclusion of a debate the question shall be put by the president and the vote may be taken by the voices Aye or no and the result shall be declared by the president, but any member entitle to vote may claim a division when the vote shall be taken by the clerk separately asking each member entitle to vote how he desires to vote how he desires to vote and recording the votes accordingly.

(2) When a division is claimed every member present who is entitled to vote shall, unless he expressly states that he declines to vote, record his vote either for the Ayes or the Noes audibly but without raising his voice unduly. The Clerk shall enter on the minutes the record of each members vote and shall add a statement of the names of the members who declined to vote.

(3) As soon as the Clerk has collected the votes the president shall state the numbers voting for the Ayes and the Noes respectively and shall then declare the result of the division or the give his casting vote as the case may be.

28. The president shall be responsible for the observance of the rules of order in the House and his decision on any point of order shall be final.

29. (1) If a member shows disregard for the authority of the chair, or abuse the rules of the House by persistently and wilfully obstruction the business of the House, or otherwise, he president shall direct the attention of the House to the incident mentioning by name the member concerned and may, by writing under his hand, suspend such member from the exercise of his function as a member. If such an offence is committee in a committee

of the whole house the Chairman shall forthwith suspend the proceedings of the committee and report the circumstances to the House, and the president shall proceed as if the offence had been committed in the House itself.

(2) Not more than one member shall be named at the same time unless several members present together have jointly disregarded the authority of the Chair.

(3) The president, after having called the attention of the House to the conduct of a member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct the member to discontinue his speech.

(4) The president shall order members whose conduct is grossly disorderly to withdraw from the House for such period as he may order.

(5) If a direction to withdraw under paragraph (4) of this regulation be not complied with at once or if on any occasion the president deems that his powers under that paragraph are inadequate, he may proceed in accordance with paragraph (1) of these regulations.

(6) The president whether acting under paragraph (1) or (4) of this regulation may direct such steps to be taken as are required to enforce his order.

(7) Members who are suspended under paragraph (1) or are directed to withdraw under paragraph (4) shall forthwith withdraw from the precincts of the House.

In the case of grave disorder arising in the House the president may, if he thinks it necessary to do so, adjourn the House without question put, or suspend any meeting for a time to be named by him.

30. Strangers may be present at meetings of the House in the place set apart for them, but must withdraw when called upon to do so by the president.

31. The president may grant a general permission to the representative of any journal to attend the meeting of the House: provided that if the journal publishes a report of the proceedings which the president considers unfair, such permission may be revoked.

32. (1) An official summary of all speeches made in the House shall be prepared under the supervision of the clerk.

(2) The summary shall be publishing in such form as the president may direct and a copy thereof shall be sent to each member as soon as practicable after the conclusion of each meeting.

(3) A copy of the summary of a member's speech shall be sent to him for correction before it is published. If a member does not return the copy to the clerk within fourteen days on which it was dispatched; the summary shall be published without correction.

(4) If a member disputes the correctness of the summary of any speech or seeks to make any material change in it, the president shall rule thereon, and shall direct publication of the summary in accordance with his ruling which shall be communicated to the member concerned and shall be final.

Made at Buea this 4th day of May, 1960.

J.O FIELD

Commissioner of the Cameroons.

Explanatory Note

Contemporaneous regulations provides for the selection of members of the House of Chiefs. These regulations make provision for the regulation and orderly conduct of the proceedings of that House. They follow the same pattern as the Standing Orders for the House of Assembly except that as the House of Chiefs is not a legislative House many of those orders not being material have been omitted.

Southern Cameroon House of Chiefs (Selected Members) Regulations 1960

Commencement: 4th May ,1960

In exercise of the powers conferred by section 236 of the Nigeria (Constitution)

Order in Council, 1954, the Commissioner of the Cameroons has made the following regulations—

Short title

1. These regulations may be cited as the Southern Cameroons House of Chiefs (Selected Members) Regulations, 1960.

Interpretation.

2. In these regulations—

“Chief” includes a clan head and a village head,

“Commissioner” means the Commissioner of the Cameroons,

“House of Chiefs” means the House of Chiefs of the Southern Cameroons.

Selected members.

3. (1) The number of selected members to sit in the House of Chiefs shall be twenty-two.

(2) The selected members shall be those specified in the third column of the First Schedule

(3) The Clerk of the House of Chiefs shall cause the names and descriptions of persons selected to be published in the Gazette.

Qualification for selected membership of the House of Chiefs.

4. A person shall be qualified to be selected a member of the House of Chiefs who is—

(a) a British subject or a British protected person, and is not by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state, and

(b) has not in any part of Her Majesty’s dominions or in any territory under Her Majesty’s protection or in any territory in which Her Majesty has from time to time jurisdiction, been sentenced to death or imprisonment (by whatever name called) for a term exceeding six months, and without having either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefore, or received a free pardon, and.

(c) does not hold, or act in, any office of emolument under the Crown: Provided that for such purposes a person who is a member of a native authority established under the Native Authority Ordinance or any enactment amending or repealing the same shall be deemed not to be the holder of an office of emolument under the Crown, and

(d) is not under any law in force in any part of Nigeria, adjudges to be a lunatic or otherwise declared to be of unsound mind, and

(e) is not a member of the House of Representatives or of the Southern Cameroons House of Assembly.

Tenure of seats by selected members.

5. The seat in the House of Chiefs of a selected member shall become vacant—

(a) upon a dissolution of the Southern Cameroons House of Assembly, or

(b) if he resigns his seat in the House by writing under his hand addressed to the President of the House, or

(c) if he is absent from two consecutive meetings of the House and the President does not, by writing under his hand, excuse his absence within one month after the second meeting, or

(d) if he ceases to be a chief, or

(e) if any circumstances arise that, if he were not selected for membership of the House of Chiefs, would cause him to be unqualified for selection as such under the provisions of regulation 4.

Method of selection of certain selected members.

Second schedule.

6. Where it is provided in the third column of the First Schedule that a member of the House of Chiefs shall be selected by the Chiefs of any area from among their own number, the manner in which such selection is made shall be in accordance with the procedure set out in the Second Schedule.

Determination of question as to whether a person is Chief.

7. (1) Any question that may arise as to whether any person is, for the purposes of these regulations, a Chief shall be referred to and determined by the Commissioner acting in his discretion.

(2) The decision of the Commissioner in exercise of the powers aforesaid shall be final, and shall not be called in question in any court.

Determination of question as to right of any person to be a selected member.

8. (1) Any question which may arise as to the right of any person to be or remain a member of the House of Chiefs and for determining whether the seat of any member of that House has become vacant shall be referred to and determined by the Commissioner acting in his discretion.

(2) The decision of the Commissioner in exercise of the powers aforesaid shall be final and shall not be called in question in any court.

FIRST SCHEDULE

(Regulation 3)

Selected Members of the House of Chiefs

Bamenda Division

Bafut Area (except the villages of Bambili, Bambui, Kejom Ketingo, Kejou Keku, Manda Nkwe and Nkwen). *The person for the time being holding the office of Fon of Bafut*

Bali Area. *The person for the time being holding the office of Fon of Bali.*

Nsaw Area *The person for the time being holding the office of Fon of Nsam.*

Ndop Area (including the villages of Bambili, Bambui, Kejom Ketigo, Kejou Keku, Manda Nkwe and Nkwen). *One member selected from among their own number by the village heads of* Baba I, Babungo, Bafanji, Balikumbat, Bali Gangsin, Bali Gashu, Bamali, Bambalang, Bamesi, Bamesing, Bamunka, Bamunkumbit, Bangola, Bambili, Bambui, Kejom, Ketingo, Kejou Keku, Manda Nkwe, Nkwen.

Ngemba Area *One member selected from among their own number by the village heads of* Akum, Alatanu, Anyang, Awi, Chomba, Mankon, Mba, Mbei, Mberewi, Mbu, Mbutu, Nsongwa, Ndza, Nswon, Pinyin.

Moghamo, Menemo,
Ngwaw and Ngie Area

One member selected from among their own number by the village heads of
Aighwi, Akulabei, Aduruku, Ambo, Angie, Anong, Ashong, Beshom, Bessi, Efa, Enyo, Guzang (Moghamo), Kugwe, Mbengok, Mbunjei, Mengen Muwa, Numben, Nwen, Nyenjei, Kwe; Bessi (Menemo), Chinam, Chup I, Chup II, Etu, Funam, Gundom, Guneku, Kai, Ku, Kubenyang, Mbomi, Mbengwi, Mington Mbo, Njemetu, Njindom, Njunibi, Nyen, Tonako, Tuaayang, Tudig, Tugi, Wumnabit, Wumnebug, Zangnembeng, Zang Tabi; Bako, Banya, Bassa, Ekpiri, Ekwebo, Konda, Ngwo, Okorobi, Oshie;

Abebung, Abichia, Adjie, Akuwa, Angai, Angong, Azem, Bambofe, Bassi, Bonatu, Ebang, Esaw, Etinachong, Eto, Etui, Kon, Ndek, Ochia, Tezie.

Kumba Division:

Kumba North East and
Kumba Town Area

One member selected from among their own number by the village heads of
Dikome (Bafaw), Ikiliwindi, Kokobuma, Kombone, Kumba, Kurume, Mambanda, Ayong, Baduma, Betuk, Israib, Manyamen Mukonje, Mundame, Sikam, Talangany I, Barombi Kang,

Babensi, Babitti, Babubok, Badun,
Bajange, Bambe, Bemini, Bome,
Ediango, Ekenge, Konye, Muanzetur,
Mungo Ndor, Njunyue, Nloh, Ntale,
Songolo, Ekambeng, Ekante, Muabi,

Muangekam, Muasum, Nkiko, Nyan,
Nzobe, Poela,

Muabong,

Ebonemin, Elum, Epenebel, Muaku,
Muangem, Muanjeken Mueba, Muekan,
Ndjom, Nkak,

Ebamut, Ebasse, Ekangte Elambeng,
Elasse, Enyandong, Komuin, Mbad,
Mejelet, Maundelengo, Muedibmel,
Muetanaku, Muetukaku, Ndiamin,
Ndibisi, Ngomuini, Njimbeng, Nteho I
Nteho 11:

Atiek, Baseng, Bekume, Edib, Ekonju,
Kack, Mahole, Mbabe, Mbomut, Mbule,
Meketembeng, Mukeuaku, Muahunegeng,
Muanyam, Ndibenjock, Ndise-Atob,
Ndum, Ngab, Ngob, Ngomboku,
Ngombonbeng, Ngusi, Nlog, Npako
Nsuke, Nyassoso;

Bajaw, Bangone, Eboko, Bajuw, Ekeb,
Kodmin, Makole, Mbomut, Melongo,
Mesake, Meyom, Muahunzum, Nyalle,
Nyandong.

Kumba North West Area.

*One member selected from among their own
number by the village heads of Dipenda
(Bakundu) , Ibemi, Itoki Koba, Kokaka,
Konye, Mbakwa Supe, Mbu, Ndoi, Ngolo
Bolo, Wone;*

Bafaka, Etenge, Bisoro, Bona, Bonji,
Bosunga, Diboki, Dikome (Balue),
Dipenda (Balue), Ebobe, Ekwe, Itende,
Kitta, Kotto, Kumbe (Balue), Masore,
Makoma, Mofako, Munyange, Narende,
Ndonono, Ngolo Meteko, Pondo, Wemi
(Balue);

Bekoko, Ikassa, Massaka, (Balundu
Badiku), Mofako Bima, Mosongisele,
Ndian, Ngumu, Obot Ikot, Weke;

Babiabanga, Bareke, Banyo, Bera,
Bombangi, Dibonda Koroki, Dibonda
Mosina, Dienge, Dipundu, Esoki, Ijowe,
Ikenge, Iponge, Itali, Lipenja (Banga),
Lobe (Batanga), Many, Maromba, Massaka
(Batanga), Mayeke, Mofako (Balue), Ndoi;

Beboka, Betika (Bima), Boa (Bima),
Ekumbako, Esoki, Ituka, Fabe, Iwai, Kuma,
Manja, Matamani, Mokange, Mukango,
Mundimba, Ngenye, Ngumu;

Betika (Ngolo), Bioko, Boa Ngolo, Bokoma,
Bokuba, Banabeango, Basaw, Bwene,
Dikome Ngolo, Ikoi, Ikoti, Ilondo, Itoki,

Iwassa, Iombo, Kilikili, Lipenja, Muketi,
Maberiberi, Badie, Mbenge Issei, Meangwe,
Meta, Mobenge, Moboka, Molonga,
Mosongiseli, Ndiba, Ngamoki 1, Ngamoki
Ekama, Ngamoki Nweliba, Njianene,
Nyanga, Toko.

Kumba South East Area.

*One member selected from among their own
number by the village heads of Bakumba,
Bangele, Bekoki, Bekoli, Belondo, Bolo,
Bombanda, Bombele, Butu, Dienyi, Disoni,
Disoso, Ifanga 1, Ifanga11, Kumkum,*

Lipenja Mbonge, Lokando, Massaka 1, Massaka 11, (Mbonge), Motondo, Mbonge Marumba, Mbonge Meteke, Metekoma-Bakondo, Nganjo Bolende, Nganjo Titi, Ngbandi 1, Ngbandi 11, Weme (Mbonge):

Barombi Mbo;

Banga, Boa (Bakundu), Bole, Bombe, Bopo, Kake Bokolo, Kake Bongwana, Kombono, Kombone, Mabonji, Marumba Botondwa, Nake Bokolo, Nake Bongwana, Ngongo, Pete;

Ediki, Edumbe Bonji, Mbalangi.

Kumba South West Area

One member selected from among their own number by the village heads of Bai Foe, Bai Kuke, Bai Longe, Bai Many, Bai Sombe;

Bakundu Foe, Barombi Kotto, Dieka;

Bakoso, Bomana, Bonja, Bora, Boviongo, Ebie, Efolofo, Kose, Kotto1, Kotto11 Kuke Bova, Lisombe, Liwenji, Mueli, Mundongo, Munyange;

Boa (Balundu), Bonjare, Dibonda, Dikome, Edundu Nene, Ekundu Titi, Funge, Illo, Illoani, Kumbe (Balundu), Liongo (Balundu), Loe, Mbongo, Meme;

Bekarakara, Bekura, Bongongo1, Bongongo11, Dora, Lipenja (Barombi), Mokoko, Mokono, Ngatami, Ngwengi;

Liongo, Mofako (Ekumbe), Ndene (Waterfall);

Akwa, Amatu, Bateka, Massaka (Isangele), Oron.

Mamfe Division:

Banyang, Kembong and
Mamfe Area.

One member selected from among their own number by the village heads of Agong, Atebong Wire Ashum, Bakebe, Bambat, Bara, Badchuo-Akaghe, Bokwa, Defang, Ebeagwa, Ebuensuk Eedjuingang, Ekpaw, Eshobi, Etuku, Eayang, Eyang-Atem-Ako, Fainchang, Feitok Big, Feitok Small, Fotabe Fumbe, Gurefen, Gurete, Kekpoti, Kendam, Kepelle, Koano, Mambo, Mbanga, Pongo, Mbatop, Mbinjong, Mbio, Mbome, Mosie, Nchemba, Obang, Onama-fong, Sabes, Taiyor, Takwai, Tali I, Tali II, Tinto I, Mbu;

Abakpa, Abat, Afap, Agbokem, Ajaman, Ajayukndip, Akak, Akwa, Akwen, Araru, Assibong, Ayaoke, Ayukaba, Babong, Babui Bakogo, Bakwole Baro, Bayip, Ebam, Ebinsi, Ekogate, Ekok, Ekoneman Ojong, Ekurikang, Esangem, Etinkem, Ewelle, Eyang Mangha, Eyumojok Inokum, Kembong, Mbakang, Mbakem, Mbatop, Mbeban, Mbenyan, Mbeofong, Mbinda, Mfuni, Mfunum, Mgbegati, Mkpot, Ndebaiya, Ndekwa, Njege, Nkimechi, Nkogoh, Nsanakang, Nanaragati, Ntenako, Ogomoko, Okoroba, Okweri, Onaku, Oselle, Ossing, Otu, Tabo, Talangaye;

Bangwa, Mundani and
Mbo Area.

One member selected from among their own number by the village heads of Fonjumetaw, Fontem, Foreke Chacha, Fosimonbin, Fossimongi, Fosungu, Fotabong I, Fotabong II Foto,

Bamumbu, Bangang, Banti, Bechati, Besali, Folepi, Igumba, Nkong;

Ehutanki, Elumba, Etawang, Hunyampe, Kamalumpe, Fonjungo, Fonke, Fonven, Fotabongkoa, Fowung, Nguti, Nsoa.

Overside Area.

One member selected from among their own number by the village heads of
Abonando, Assam, Awuri, Bache, Badje, Betime, Bodam, Dadi, Ekokisam I, Ekokiam II, Ewisi, Kajifu1, Kajifu II, Kajifu III, Maku, Mfakwe, Mukoyong, Nyang, Obonyi I, Obonyi II, Obony III, Okpambe, Takamanda, Takpe;

Achama, Akanunku, Alorunti, Ambele, Anjaka, Anjing, Atong, Awi, Barambichang, Bataka, Echibit, Efang, Egbeachu, Ekaw, Ewmow, Kanibum, Larinji, Menda, Menka, Mpeng, Tabunchum, Tambang, Tanka;

Ambombo, Amebisu, Angwe, Ayukaba, Bakumba, Befanga, Chinda, Denku, Diche I, Diche II, Egbemo, Eka, Manta, Mekwech, Nala, Ntoko, Numba, Oche, Taffu, Widekum I, Widekum II, Widekum III,

Akala Aboh, Akala Mogomo, Akuru Awi, Akwaya, Amaio, Amanavil, Amayaya, Ame, Anum Jinga, Assaka, Atolo, Badchama, Bagundu, Bakinjaw, Ballin, Batang, Bombe, Issele Apa, Kajinga, Kalumo, Maiyerem, Matene, Motom, Ngali, Njawabaw, Ntamele, Ochang, Ochipima, Okerika, Olulu, Osato, Otongo, Tinta, Yive;

Aiyi, Akwa Aluenti, Alumfa, Amasi Ashunda, Baiya, Baiyong, Baka, Bancho, Bande, Bandolo, Bandu, Banje, Bangu, Bantako, Bantakpa, Barambochi, Basho1, Boshon1, Basune, Batabi, Chikpa, Eshobi, Keluo, Kenchi, Kunku, Makwe, Mbilishi, Mbu, Mbulu, Nchemba, Nga, Nkusu, Ntokwo, Ote, Taba, Takow, Tambu, Tassomo.

Nkambe Division:

- Mbembe and Misaje Area. *One member selected from among their own number by the village of* Abahum, Abonshie, Ako, Akwaja, Akwanko, Akwese, Amba, Ande, Asa, Berabi, Buku, Jevi, Mbande, Mbiribua, Ndaka; Abahum, Abonkwa, Abonkette, Bem, Change, Dumbo, Kamine, Kibohkwei, Mbissa, Nkanjimfume
- Wimbu area. *One member selected from among their own number by the village heads of* Bi, Binka, Binshua, Chup, Konchep, Kungi, Kup, Luh, Mbaa, Mbot, Ndu, Ngarum, Ngulu, Njap, Nkambe, Nsob, Ntumbaw, Ntundip, Saa, Sinna, Tabeken, Taku, Talla, Wat.
- Kaka, Mbaw and Mfute area. *One member selected from among their own number by the village heads of* Bom, Fam, Gamfe, Gom, Gwembe, Kwak, Mbem, Mfe, Ngung, Nkot, Ntim, Ntong, Nwa, Rom, Saam, Si, Yang; Li, Mbirikpa, Nking, Ngom, Ngomnkaw, Ngu, Nguri, Ntem, Nwanti, Nwat, Nyurong; Andere, Bang, Bitui, Buwi, Koffa, Kom, Kwaja, Lus, Manang, Mbana, Mbat, Mbebbji, Ncha.

Victoria Division

- Buea, Bonjongo, Lysoka and Muea *One member selected from among their own number* Area. *the clan and village heads of* Buea, Bonakanda , Bonanyanango, Bova, Bwassa, Bwiwuku, Ewonda Kombo, Likombe, Membea, Mevio, Sasse, Great Soppo, Small Soppo, Wokoko, Wolikawo, Wotolo, Wulu; Boana, Boando, Ojoke, Bonjava, Bonjongo, Bonalikombo, Ebongo, Ekonjo, Mapanja, Masengi, Moku, Nda, Wokoka, Wongala, Woseng, Wosumbu, Wotutu; Bafia, Bavenga, Bokulu, Bonjia, Botewa, Ekona Lelu, Ekona Mbenge, Ikata, Liola, Buea, Lysoka, Masuma, Matangu, Maumu, Moli, Mondame Monyange, Mosaka, Mosone, Wokaka; Boande,

Bokova Mbenge, Bokwae, Bolifamba Lelu, Bolifamba Mbenge, Bomaka, Bonamabio, Bonamokumba, Bonduma, Bwiteva, Bwitingi, Dibanda, Ekande, Ewili, Liongo, Moliko, Muangai, Muea Lelu, Muea Mbenge.

Balong, Mungo, Mutengene and Tiko Area. *One member selected from among their own number*

by the clan and village heads of Malende, Mpundu,

Muyuka, Yoke;

Bonaka, Bona Bonda, Missellelle, Missaka, Mudeka;

Bwinga, Mikuke, Bwinga, Wonjia, Mutengene;

Ebonje, Likomba, Tiko [Douala], Tiko [Bakwerri],

Mondoni, Owe.

Bakolle, Bambuko, Bimbia, Bota and Victoria Area. *One member selected from among their own*

number by the clan and village heads of Bamusso,

Bakonje, Petika, Njangassa, Yenda;

Bakingili, Batoke, Bibunde, Etome, Mukondange,

Ngeme, Njonje, Sanje;

Bimbia-Bonabili, Bimbia-Bonangombe, Bimbia-Dikolo;

Bota Island (including Isokolo mainland settlement),

Bota Land (Molondi), Kie, Mokindi;

Mondoli, Victoria.

Wum Division

Kom Area *The person for the time being holding the office of Fon of Kom.*

Aghem and Beba-Befang, Esimbi Area *One member selected from among their own number by the village heads of* Bu, Cheregha, Magha, Naikom, Su, Waindo, Zonghefu, Zongheku;

Batomo, Benakuma, Mbellifang, Modelle, Mubadji, Mukuru, Okoromanjang.

Bum and Fungom Area *One member selected from among their own number by the clan and village heads of* Badji, Belo (Abar), Esu, Fang,

Fungom, Furubana, Kuk, Kung, Mashi, Memfu, Missong,

Mme, Munkap, Munken, Ndabili, Nkang Nkang, Nser, Nyos,

Weh, Zhoa;

Bum.

SECOND SCHEDULE

[Regulation 6]

Procedure for selecting a member of the House of Chiefs where such a member is to be selected by the Chiefs of the area from among their own number.

Wherever in respect of an area specified in the Second column of the First Schedule it is specified in the third column of the Schedule that a member of the House of Chiefs shall be selected from among their own number by the procedure for the selection of such member shall be in accordance with the following rules—

Composition of Area Meeting; proviso in respect of Victoria Division

1. There shall be an Area Meeting consisting of the chiefs of the villages of that area; provided that in the case of an area Meeting in Victoria Division, each chief may be accompanied by one assistant. An assistant shall be entitled to attend the Meeting, but shall take no other part in the proceedings thereat.

Appointment of Chairman

2. (1) The Commissioner may appoint, in respect of each Area, a Chairman of the Area Meeting and in the absence of any such appointment and until such appointment the administrative officer appointed to be in charge of the Division in which the Area is situated shall be Chairman.

(2) The Chairman of an Area Meeting shall have no right to vote.

Summoning of area meeting

3. (1) Whenever there shall be occasion for the selection of a member or members of the House of Chiefs, the Chairman of each Area Meeting concerned shall appoint a date, time and place for such Meeting and shall give notice at the Divisional Office and at each native court having jurisdiction in the Area, and in such other manner as is customary in the Area concerned.

(2) No business shall be transacted at any Area Meeting at which there are present less than three quarters of the persons entitled to attend and to vote at the Meeting.

(3) An Area Meeting shall not be disqualified for the transaction of business by the failure or neglect on the part of any community to appoint or recognize a chief or by the failure of any chief to attend a meeting.

Chairman to call for nomination

4. On the date, and at the time and place appointed for the Meeting the Chairman shall call for the nomination of candidates for selection as the member of the House of Chiefs whom the Meeting has been summoned to select.

Nomination to be made orally and supported

5. (1) Nominations shall be made orally to the Chairman.

(2) No nomination shall be valid unless it is made by a member of the Meeting present at the Meeting and entitled to vote thereat and is supported by at least two other such members.

Persons who may be nominated

6. No person may be nominated unless he is a person who –

(a) is entitled to be present and to vote at the Meeting; and

(b) is not disqualified from being a member of the House of Chiefs by the provisions of any law for the time being in force; and

(c) if he is present at the Meeting, orally declares to the Chairman or, if he is not present at the Meeting has declared in writing to the Chairman his willingness to be a member of the House of Chiefs.

When nominations completed

7. When the Chairman is satisfied that no further nominations are likely to be made, he shall—

(a) if only one person has been validly nominated, declare that person to have been selected a member of the House of Chiefs, or

(b) if more than one person has been validly nominated, adjourn the meeting until a time either later on the same day or until a time, which he shall then announce, on the day next following.

Candidate may withdraw nomination

8. Any candidate may withdraw his candidature by notice in writing delivered by him in person, or made orally by him, to the Chairman at any time before or immediately upon the resumption of the Meeting.

Procedure on resumption of Meeting 9. (1) Upon the resumption of the Meeting the Chairman shall satisfy himself that all candidates who wish to withdraw have done so and shall then announce at the Meeting the name of any candidate who may have withdrawn his candidature and the names of the candidates remaining nominated.

(2) After complying with paragraph (1) of this Rule, the Chairman shall –

(a) if only one person remains nominated as a candidate, declare that person to have been selected a member of the House of Chiefs;

(b) if more than one person remains nominated as a candidate, proceed to take a poll.

Procedure at poll

10. Where it becomes necessary to take a poll, it shall, subject to the provisions of rule 11, be taken in the following manner –

(a) The Chairman shall provide a ballot box for each candidate and shall allot to each candidate a distinctive symbol. The candidate's name and the symbol allotted to him shall be clearly marked on the ballot box provided for him.

(b) The Chairman shall display the ballot boxes empty to the Meeting and in the presence of the Meeting shall immediately seal them and place them in a compartment so screened as to ensure that any person casting a vote shall do so in secrecy.

(c) The Chairman shall thereafter deliver a ballot paper to each person entitled to vote and desirous of doing so. The Chairman shall mark each ballot paper with an official mark (but so as not to identify it with the person to whom it is delivered) and shall record the name of each person to whom a ballot paper is so delivered.

(d) On receiving a ballot paper, the person to whom it is delivered shall go immediately to the screened compartment and there secretly record his vote by placing the ballot paper in the ballot box of his choice; provided that if such person requires assistance in recording his vote, he may so inform the Chairman who shall assist him to cast his vote by placing in his presence the ballot paper in the ballot box of the candidate for whom he wishes to vote.

(e) At the conclusion of the poll, the Chairman shall remove the ballot boxes from the screened compartment and in the presence of the Meeting shall open them and count the votes for each candidate.

(f) Where upon counting the votes cast the chairman finds that two or more candidate has polled an equal number of votes so that the addition of the vote would entitle any one of the candidates to be declared selected, the chairman shall call for a second ballot to be limited to those sharing the equality of votes) and if the second poll produces a like result, the chairman shall decide the question of who is to be declared selected by lot.

(g) The Chairman shall thereupon certify the number of voters cast for each candidate and declare the candidate duly selected in accordance member of the House of Chiefs.

Special procedure to be followed in Bangwa, Mundani and Mbo Area

11. (1) The provisions of this rule shall apply only to a Meeting for the Bangwa, to be followed in Mundani and Mbo Area of Mamfe Division.

(2) In this rule the expression “clan area” means the village areas comprising respectively the Bangwa clan area, the Mbo clan and the Mundani clan area.

(3) If, at a Meeting for the Bangwa, Mundani and Mbo Area, after the Chairman has complied with the provisions of paragraph (1) of rule 9, the candidates remaining nominated are one from each clan area, the following special procedure shall apply—

(a) The chiefs of each clan area present and entitled to vote at the Meeting shall appoint seven representatives from amongst their own number according to such procedure as shall be decided upon by the chairman in his absolute discretion after adequate opportunity has in his opinion been given to those present for the representation of their views as to such procedure.

(b)The chiefs so appointed for each clan area shall together constitute a Special Meeting the members of which only shall be entitled to vote.

(c)The number of votes that a member of a Special Meeting shall be entitled to cast shall be two, but so that not more than one vote may be cast for any one candidate.

(d)Before the poll, the chairman shall prepare a sufficient number of exactly similar ballot papers on each of which the names of all candidates shall be legibly inscribed.

(e)The chairman shall provide a ballot box which he shall immediately thereafter seal in the presence of the Meeting and place it in a compartment so screened as to ensure that any person casting a vote shall do so in secrecy.

(f)The chairman shall thereafter deliver a ballot paper to each person entitled to vote and desirous of doing so. The chairman shall mark each ballot paper with an official mark (but so as not to identify it with the person to whom it is delivered) and shall keep a separate record of the name of each person to whom a ballot paper is so delivered.

(g)On receiving a ballot paper, the person to whom it is delivered shall go immediately to the screened compartment and there secretly record his vote by placing a cross on the ballot paper against the name of the candidate or names of each of the candidates for whom he wishes to vote and putting the ballot paper in the ballot box; Provided that where such person requires assistance in recording his vote, he may so inform the chairman who shall accompany him into the compartment and assist him to cast his vote by asking him to state the candidate or candidates for whom he desires to vote and then and there and in his presence marking the ballot paper for him and putting it in the ballot box. The chairman may be accompanied into the compartment by an interpreter if his presence, in the opinion of the chairman is necessary.

(h) A member of the special Meeting shall not place more than one cross against the name of any candidate on the ballot paper; nor shall he so mark the names of more than two candidates.

(i) At the conclusion of the poll the chairman shall proceed forthwith in the presence of the meeting to open the ballot box and count the votes for each candidates; rejecting as spoilt any ballot paper on which he finds more than one cross against the name of any candidate or crosses against the names of more than two candidates.

(j) The provisions of paragraphs (f) and (g) of rule 10 of these rules shall apply to a poll held under this rule.

Duties of Chairman at conclusion of Meeting

12. When a selection of members of the House of Chiefs has been completed, the Chairman shall

(a) declare the meeting to be an end,

(b) notify the clerk of the House of Chiefs of the name and description of the person selected to be a member of the House of Chiefs, and

(c) seal up the lists of persons to whom ballot papers were issued, together with all used, unused and spoilt ballot papers, and keep them in safe custody for a period of not less than three months.

Made at Buea this 4th day of May, 1960.

J. O. FIELD

Commissioner of the Cameroons

Explanatory Note

These regulations make provision for the selection of members of the House of Chiefs of the Southern Cameroons. Contemporaneous regulations provide for the regulation and orderly conduct of the House.

Supplement to Southern Cameroons Gazette No. 46, Vol, 6, 1st October, 1960-Part B

STATUTORY INSTRUMENTS

S.C.I.N. 53 of 1960

1960 No. 1655

WEST AFRICA

The Southern Cameroons Plebiscite order in Council, 1960

Made 12th September, 1960

Laid before Parliament 16th September, 1960

Coming into Operation 1st October 1960

At the Court at Balmoral, the 12th day of September, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890{a}, or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows.

1.-(1) This Order may be cited as the Southern Cameroons Plebiscite Order in Council, 1960, and shall come into operation on the 1st day of October, 1960.

(2) This Order shall be construed as one with the Southern Cameroons {Constitution} Order in Council, 1960.

(3) The Commissioner of the Southern Cameroons shall not be obliged to consult with the Executive Council of the Southern Cameroons in the exercise of any function conferred on him by or under this Order.

Plebiscite to be held in the Southern Cameroons.

2.- (1) There shall be a plebiscite in the Southern Cameroons for the purpose of ascertaining the wishes of the Southern Cameroons as to the status of the Southern Cameroons upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government thereof, and for that purpose the following questions shall be put in the plebiscite, that is to say:

“(a) Do you wish to achieve independence by joining the independent Federation of Nigeria ?

(b) Do you wish to achieve independence by joining the independent Republic of the Cameroons ?”

(2) The plebiscite shall be held on a day to be fixed by the Commissioner of the Southern Cameroons by notice published in the *Official Gazette* of the Southern Cameroons, not being within the period of twenty-eight days after the publication of the notice, and voting for the purpose of the plebiscite shall take place during such hours as may be specified in the notice.

Division of the Southern Cameroons into plebiscite districts

3-(1) For the purpose of this Order the Southern Cameroons shall be divided into plebiscite districts.

(2) Each of the areas described in the first column of the Schedule to this Order shall be a plebiscite district and shall be known by the name specified in relation to the second column of the Schedule.

Commissioner of the Southern Cameroons may make regulations.

4-(1) Subject to the provisions of this Order, the Commissioner of the Southern Cameroons may by regulation make provision for the conduct and organization of the plebiscite, all matters incidental or ancillary thereto, and generally for the purposes of this Order.

(2) Regulations made under this Article shall make provision:

(a) for the division of each plebiscite district into registration areas;

(b) For the time, place and manner in which a person may apply to be registered as a voter, for determining whether any applicant is entitled to be registered as a voter and for an appeal against the inclusion or exclusion of the name of any applicant in or from the register by any person aggrieved thereby.

(c) for the procedure to be followed at the holding of the plebiscite, including the manner in which votes shall be cast;

(d) for ascertaining and publishing the result of the voting that has taken place in each registration area;

(e) for the lodging of petitions relating to any dispute concerning the result of the voting in any registration area and for the time and manner in which such petition are heard and determined;

(f) for giving effect to any directions given under paragraph (2) of Article 9 of this Order; and (g) for the definition and trial of offences relating to the plebiscite and the imposition of penalties therefore. Provided that the penalty for any such offence shall not exceed a fine of £ 100 or a term of imprisonment of one year or both such fine and imprisonment but may include disqualification of any person convicted of the offence for membership of the House of Assembly of the Southern Cameroons or of any Native Authority or other local government body in the Southern Cameroons, or for registration as an elector for elections of members of such House of Assembly ,Native Authority or other local government body.

(3) The power to make regulations conferred by this Article on the Commissioner of the Southern Cameroons may be exercised by him at any time after the 16th day of September, 1960, and until such time as a Commissioner of the Southern Cameroons is appointed, the powers conferred on him by this paragraph may be exercised by the person for the time being performing the functions of the office of Commissioner of the Cameroons. Provided that no regulations made under the powers conferred by this paragraph shall come into operation before the commencement of this Order.

Registration of voters, and casting of votes

5-(1)A register of voters shall be prepared for each registration area, and every person whose name is included in the register for an registration area shall, subject to the provisions of this Article, be entitle to cast a vote in that registration area for the purpose of giving an affirmative reply to one or the other of the question specified in paragraph(1) of Article 2 of this Order.

Provided that regulations made under Article 4 of this Order may provide for certain persons or classes of person being permitted to cast their votes in registration areas other than those which they are registered.

(2) Every person -

(a) who is of the age of twenty-one years or upwards at the date of his application ; and

(b) who was born in the Southern Cameroons or whose father or mother was born in the Southern Cameroons shall, subject to the provisions of this Article, be entitled on application to be registered as a voter-

(i) in the registration area in which he is resident at the date of his application, or

(ii) if he is not, at that date, resident in the Southern Cameroons,
{a} in the registration area in which he was born, or
{b} if he was not born in the Southern Cameroons, in the registration area in which his father was born or, if neither he nor his father was born in the Southern Cameroons, in the registration area in which his mother was born.

(3) Any question as to the place in which a person is resident for the purposes of this Article shall be determined in accordance with such rules as may be or prescribed by or under regulations made under Article 4 of this Order.

(4) No person shall be entitled to be registered as a voter who, at the date of his application to be so registered, -

(a) is under a sentence of death imposed on him by any court of law or a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court.

(b) is adjudged or otherwise declared by competent authority to be of unsound mind (by whatever name called).

(c) is disqualified under any law for the time being in force in the Southern Cameroons, the Northern Cameroons, the Republic of the Cameroons or Nigeria from being registered as an elector or from voting in an election by reason of his conviction for such offences connected with elections as may be prescribed by or under regulations made under Article 4 of this Order ; or

(d) is subject to any disqualification referred to in sub-paragraph (g) of paragraph (2) of Article 4 of this Order and imposed under that sub-paragraph for an offence relating to the plebiscite.

(5) No person shall be entitled to be registered as a voter in the plebiscite more than once or, subject to the provisions of Article 9 of this Order, to vote more than once in the plebiscite.

Appointment, etc of plebiscite Administrator and other officers.

6-(1) There shall be a Plebiscite Administrator, who shall, subject to any directions given by the Commissioner of the Southern Cameroons⁰ under paragraph (1) of Article 8 of this Order, be responsible for the conduct and organization of the plebiscite.

(2) The Plebiscite Administrator, who shall be appointed by the Commissioner of the Southern Cameroons in pursuance of instructions given by Her Majesty through a Secretary of State. Provided that no person shall be appointed who is a native of the Southern Cameroons or who is in the service of the Crown in respect of the government of the Southern Cameroons or who is in the service of the Government of the Republic of the Cameroons.

(3) The Commissioner of the Southern Cameroons may, in Her Majesty's name and on Her Majesty's behalf, constitute such other offices as he may consider necessary for the purpose of this Order and any regulations made thereunder, and appoint persons to those offices and exercise disciplinary control over and dismiss persons appointed to those offices.

(4) The Plebiscite Administrator and other officers appointed under this Article shall hold their offices during Her Majesty's pleasure.

Constitution of the special court

7.-(1) There shall be a Special Court or, if Her Majesty shall so direct by instruction given to the Commissioner of the Southern Cameroons through a secretary of State, two or more Special Courts., which shall hear and determine petitions for which provision is made by regulations made under sub-paragraph (e) of paragraph (2) of Article 4 of this Order.

(2) A special Court shall consist of a judge, who shall be appointed by the Commissioner of the Southern Cameroons in pursuance of instructions given by Her Majesty through a Secretary of State.

Provided that no person shall be appointed who is a native of the Southern Cameroons or who is in the service of the Crown in respect of the government of the Southern Cameroons or of the Northern Cameroons or of Nigeria or who is in the service of the Government of the Republic of Cameroons.

(3) The judge of a Special Court shall hold office during Her Majesty's pleasure.

Commissioner of the Southern Cameroons and Plebiscite Administrator may give directions

8. – (1) The Commissioner of the Southern Cameroons may give the Plebiscite Administrator such directions with respect to the exercise of his functions under this Order or any regulations made thereunder as he may consider desirable; and the plebiscite administrator shall comply with those directions or shall cause them to be complied with.

(2) Subject to the provisions of paragraph (1) of this article, the plebiscite administrator may give the officers appointed under paragraph (3) of article 6 of this Order such directions with respect to the exercise of their functions under this Order or any regulations made thereunder as he shall consider desirable; and those officers shall comply with those directions or shall cause them to be complied with.

Results of voting in any plebiscite district may be declared invalid and fresh vote taken

9.- (1) The decision of a Special Court in respect of any petition heard and determined by the court, including the findings of the Court upon the facts of the case, shall be transmitted to the Plebiscite Administrator.

(2) The Plebiscite Administrator may, if he considers it desirable so to do in the light of any decision of a Special Court relating to any dispute concerning the result of the voting in any plebiscite district, declare that the result of the voting in that plebiscite district or any part thereof is invalid, and direct that the voters in that plebiscite district or any part thereof in respect of which such a declaration shall have been made shall be given a further opportunity of voting for the purposes of the plebiscite.

Facilities to be afforded to United Nations Plebiscite Commissioner and staff

10. The Commissioner of the Southern Cameroons, the Plebiscite Administrator, a Special Court and the officers appointed under paragraph

(3) of article 6 of this Order shall, in the exercise of their functions under this Order, consult wherever practicable and expedient with the United Nations Plebiscite Commissioner and the other persons appointed to assist him in observing the plebiscite on behalf of the United Nations, and shall afford to the United Nations Plebiscite Commissioner and all such

other person facilities for the due discharge of their functions; and the United Nations Plebiscite Commissioner and the aforesaid may make representations concerning the conduct and organization of the plebiscite to such persons and in such manner as may be agreed between the Commissioner of the Southern Cameroons and the United Nations Plebiscite Commissioner.

Expenses relating to the plebiscite.

11.- (1) All expenses properly incurred in respect of the conduct and organization of the plebiscite or otherwise for the purposes of this Order or any regulation made thereunder, including (without prejudice to the generality of the foregoing provision) any expenses incurred on behalf of the Crown in any legal proceedings arising in connection with the plebiscite, shall be a charge upon the Consolidated Revenue Fund of the Southern Cameroons.

(2) The judge of a Special Court and the officers referred to in paragraph (3) of Article 6 of this Order may be paid such salaries and allowances as the Commissioner of the Southern Cameroons may direct, and those salaries and allowances shall be charge upon the Consolidated Revenue Fund of the Southern Cameroons.

W.G. Agnew

Article 3. SCHEDULE

Plebiscite Districts

Description of Area	Name of Plebiscite District
1. Bakolle Clan, Bambuka, Bota, Bimbia & Victoria	Victoria South West Village Groups
2. Mungo Clan and Tiko Village Group	Victoria South East
3. Buea, Bonjongo and Mutengene Village Group	Victoria North East
4. Balong Clan and Muea & Lysoka Village Groups	Victoria North East

5. Eastern Area, Bassosi Group & Bafaw-Balong Group	Kumba North East
6. Northern Bakundu Clan, North Western Area & Balue Clan	Kumba North West
7. Mbonge Group, Southern Area and Kumba Town	Kumba South East
8. South Western Area, Isangele Group, Bambuko Clan	Kumba South West
And Bai Dieka Group	
9. Mamfe Town and Kembong	Mamfe West
10. Overside (Assumbo, Mbulu, Memka, Widekum, Takamanda)	Mamfe North
11. Banyang-Mbo	Mamfe South
12. Bangwa Mundani	Mamfe East
13. Nsaw Clan Area	Bamenda North
14. Ndop Clan Area	Bamenda East
15. Bafut Clan Area	Bamenda Central West
16. Ngemba Clan Area	Bamenda Central East
17. Menemo, Ngie and Ngwaw Clan Areas	Bamenda West
18. Area of Bani Native Authority and Moghamo Clan	Bamenda South
19. Fungom Clan Area	Wum North
20. Aghem and Bum Clan Areas	Wum Central
21. Kom Clan Area	Wum East
22. Beba, Befang and Essimbi Clan Areas	Wum West

23. All Villages in the Misaje & Nkambe North
Mbembe Group Areas

24. All villages in the Kaka, Mbaw Nkambe East
& Mfumte Group Areas

25. Tabenken, Binka, Tala, Bi, Kup, Nkambe Central
Onchep, Saa, Kungi,

Binshua, Njap, Mbwat, Nkambe, Chup

26. Ndu Village Group, Ngulla, Lu, Nkambe South
Ngarum, Taku, Sinna

Wat, Mba, Nsop, Ntumbwa, Ntundip

Explanatory Note

(This Note is not part of the Order but is intended to indicate its general purport).

This Order makes provision for the holding of a plebiscite in the Southern Cameroons for the purpose ascertaining whether the people of the Southern Cameroons would prefer, upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government of the Southern Cameroons, that the Southern Cameroons should achieve independence by joining the independent Federation of Nigeria or by joining the independent Republic of the Cameroons.

S.C.L.N 54 OF 1960

Southern Cameroons Plebiscite Order In Council 1960

Southern Cameroons Plebiscite (Registration) Regulations, 1960

Commencement: 1st October, 1960

In exercise of the powers conferred by Article 4 of the Southern Cameroon Plebiscite Order in Council, 1960, the Commissioner of the Southern Cameroons has made the following regulations-

PART I – Preliminary

Citation

1. These Regulations may be cited as the Southern Cameroons Plebiscite (Registration) Regulations, 1960.

Interpretation

2. In these Regulations –

“Assistant Regulation Officer” means a person appointed as such under paragraph (3) of Article 6 of the Order;

“the Order” means the Southern Cameroons Plebiscite Order in Council, 1960;

“the Plebiscite Administrator” means the person appointed under paragraph (2) of Article 6 of the Order to be responsible for the conduct of the plebiscite;

“plebiscite district” means any plebiscite district established by Article 3 of the Order;

“register” means a register of voters prepared under Article 5 of the Order;

“registration area” means a registration area established under regulation 3;

“registration officer” means a person appointed as such under paragraph 3 of Article 6 of the Order;

“Revising Officer” means a person appointed as such under paragraph (3) of Article 6 of the Order;

Registration Areas

3. Subject to any general or specific directions which the plebiscite administrator may from time to time give in that behalf, a registration officer shall divide any plebiscite district in respect of which he is to exercise his functions into such registration areas as he may deem necessary.

Form of register

4. (1) Each register shall contain a section for each registration area in the plebiscite district to which it relates.

(2) Each register shall be prepared in a numerical order in such form as the Plebiscite Administrator shall decide and shall show in respect of each person-

(a) a first name and a second name or such other additional names by which the person may be known; and

(b) an address in the registration area in respect of which the person is registered;

And no person shall be entered on the registered under a single name or without such an address.

Registration Offices

5. – (1) The Plebiscite Administrator or such person as he may direct shall appoint in respect of each registration area such place as he shall think fit to be the registration office and such office shall be in the charge of the registration officer for the registration area.

(2) The Registration Officer or an Assistant Registration Officer on his behalf shall attend for the transaction of business at the registration office and at such other places upon such days and at such hours as the Plebiscite Administrator or such person as he may direct shall appoint.

PART II – Preparation of Preliminary List

Notice as to claim for registration

6. On or before the 26th October, 1960, the Plebiscite Administrator shall cause notice to be given in each plebiscite district of the manner in which and the place at which claims for registration as a voter may be made; Provided that the Plebiscite Administrator may at any time cause notice to be given in a plebiscite district of such further places as he may think necessary as places at which claims for registration in that district may be made;

Claims to be entered on preliminary list. First Schedule Form A

7. – (1) Any person who is entitled to be registered as a voter in the plebiscite may submit a claim to be registered as a voter in Form A in the First Schedule.

(2) A claim under this regulation shall be submitted to the Registration Officer or Assistant Registration Officer of the registration area in which the applicant claims to be registered not earlier than the 26th October, 1960, and not later than 22nd November, 1960.

(3) (a) A person making a claim to be registered as a voter under this regulation shall attend before the Registration Officer or Assistant Registration Officer and deliver the prescribed form to him.

(b) If the claimant is illiterate he shall, when attending before the Registration Officer or Assistant Registration Officer be entitled to be accompanied by a person of his choice who is literate.

(4) The Registration Officer or Assistant Registration Officer shall read aloud the name, description and address of the claimant shown on the prescribed form and, if the prescribed form is duly completed and if he has no reason to suspect its accuracy or the validity of the claim, he shall accept the claim;

Provided that where the Registration Officer or Assistant Registration Officer is of opinion that the claimant does not reside in the Southern Cameroons, he shall not accept the claim unless it is proved to his satisfaction that the claimant or his father or mother was born in a part of the territories comprised in the Southern Cameroons.

(5) When the Registration Officer or Assistant Registration Officer has accepted a claim under this regulation he shall issue to the claimant a registration card numbered in such manner as the Plebiscite Administrator shall decide.

(6) The registration card shall be retained by the claimant for the purpose of production at the time of voting.

(7) If it is proved to the satisfaction of the Registration Officer that a registration card is lost or destroyed he may issue a duplicate in replacement thereof !

Provided that the Plebiscite Administrator may prescribe a time at which or a period during which applications in respect of lost or destroyed registration cards shall be considered.

Second Schedule

(8) A person's residence of the purpose of this regulation shall be determined by reference to all the facts of the case and in particular by reference to the rules contained in the Second Schedule.

8-(1) After the last day for making a claim under regulation 7 the Plebiscite Administrator shall prepare and publish a list, to be called the preliminary list of voters, which shall contain the names and addresses of the persons whose claims under regulation 7 were accepted and shall be arranged in the manner provided by regulation 4.

(2) The preliminary list shall be published not later than the 27th December, 1960, and the manner of publication shall be by displaying copies of the whole or part thereof at any native or customary court having jurisdiction within the plebiscite district as the Plebiscite Administrator may think fit.

(3) The Plebiscite Administrator shall publish notices in each plebiscite district which shall state-

(a) the places where the preliminary list may be inspected;

(b) the manner in which claims for registration or applications for transfer or objections may be made;

(c) the last day for making such claims, applications or objections

(4) A copy of the preliminary list shall be made available for inspection by members of the public during normal office hours at the office of the Plebiscite Administrator for a period of 30 days after its first publication.

(5) The Plebiscite Administrator shall make available such number of copies of the preliminary list for sale to members of the public as he shall consider desirable and shall prescribe such fee as the price thereof as he thinks reasonable.

PART III – Revision of Preliminary List

Claims after publication of preliminary list.

First Schedule Form B.

9.—(1) Every person whose name does not appear in the preliminary list and who submitted a claim under regulation 7 my within 15 days of the first publication of the preliminary list apply in Form B in the First Schedule to be registered as a voter.

(2) A claim under this regulation shall be delivered by the claimant in person to the Registration Officer in charge of the registration area in which the claim under regulation 7 was submitted.

Application for transfer.

First Schedule Form C.

10.—(1) Any person whose name appears on the preliminary list for the plebiscite district under section which relates to a registration area other than the registration aria in respect of which he applied to be registered may apply to the Registration Officer within 15 days of the first publication of the preliminary list in Form C in the First Schedule to have his name transferred to the section which relates to the registration area in respect of which he applied to be registered , and such application shall be delivered by the applicant in person to the Registration Officer.

(2) Nothing in this regulation shall entitle a person to apply for transfer to the register of another plebiscite district.

Objections

11.—(1) Every person whose name appears in the preliminary list may object to any other person whose name appears therein——

(a) as not being entitled to have his name on the register for plebiscite district' or

(b) as not being entitled to registered in a registration area to which a section of the register relates.

First Schedule Form D.

(2) A person objecting shall give notice of his objection to the Registration Officer within 15 days of the publication of the preliminary list in Form D in the First Schedule and shall deliver such form in person to the Registration Officer.

Claims, Applications and objections to be forwarded to Revising Officer.

12. Any claim , application or objection submitted to a Registration Officer in accordance with regulation 9, 10 or 11 shall forthwith be forwarded by the Registration Officer to a Revising Officer exercising functions in respect of the preliminary list or part thereof to which the claim, application or objection refers.

Determination of claims applications and objections

13.—(1) Each Revising Officer shall examine and determine all claims, applications and objection forwarded to him in accordance with regulation 12.

(2) With respect to any objection made under regulation 11 the Revising Officer, if he is satisfied that the ground of the objection are established, shall strike out the name of the person from the preliminary list:

Provided that the Revising Officer may , if he is satisfied that the person objected to is entitled to be registered in another registration area of the plebiscite district, transfer his name to the section of the preliminary list which relates to that registration area.

(3) Before striking out or transferring the name of a person under paragraph (2) the Revising Officer shall give him an opportunity to be heard with respect thereto.

(4) With respect to claims or application under regulation 9 or 10 , the Revising Officer, if he is satisfied that the grounds of the claim or application have been established, shall enter the name of the claimant in the preliminary list or transfer his name to another section thereof, as the case may be.

(5) For the purpose of determining claims, applications and objections the Revising Officer may receive such evidence as he may consider necessary and may administer oaths to all persons making claims, applications or objections and to all witnesses called in respect of the claim, application or objection.

Correction of preliminary list

14. (1) The Registration Officer shall make such additions and corrections in the preliminary list as are required—

(a) in order to carry out the decision on any claim, application or objection' or

(b) for the removal of duplicate entries' or

(c) for the expunging of the names of persons who are dead or disqualified; And shall also make such corrections as he thinks necessary and as are practicable to ensure that no person is entered in the list who will be registered in any other plebiscite district.

(2) Before the Registration Officer makes a correction in the preliminary list otherwise than—

(a) in pursuance of a claim for registration or application for transfer or an objection; or

(b) for the purposes of correcting a clerical error; or

(c) expunging a duplicate entry of a name under a registration area, he shall give notice to the person affected and give that person a reasonable opportunity of objecting to the proposed correction and if necessary of being heard with respect thereto.

(3) For the purposed of paragraph (2) the notice shall be in writing and may be served upon the person affected either by delivering it at his address as shown on the preliminary list or by posting it up at the registration office for the registration area under which the name of the person appeared in the preliminary list.

Final register of voters.

15.—(1) Note later that the 26th January, 1961, the Registration Officer shall complete the corrections and additions to the preliminary list in accordance with regulation 14 and shall cause the names therein to be numbered in such manner as the PLEBISCITE Administrator may direct and he shall then sign the list and forward it to Plebiscite Administrator.

(2) The Plebiscite Administrator shall cause the list to be published, with such alterations or amendments as he may consider necessary, not later than the 10th February, 1961.

(3) At any time either before or after publication of the list, but not later than the eighth days before the day of the plebiscite, the Plebiscite

Administrator may make any alteration or addition to the list necessary in the compilation thereof.

(4) The list when so published shall be the register of voters in the plebiscite district.

(5) A copy of the register shall be made available for inspection by members of the public during normal office hours at the office of the Registration Officer after its publication

(6) The Plebiscite Administrator shall make available such number of copies of the register for sale to members of the public as he shall consider desirable and practicable and shall prescribe such fee as the price thereof as he thinks reasonable.

PART IV – Offences

Breaches of official duties.

(16)—(1) If any person to whom this regulation applies, or who is for the time being under a duty to discharge any of the functions of such a person, is, without reasonable cause, guilty of any act or omission in breach of his official duty, then he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) The persons to whom this regulation applies are any Registration Officer, Assistant Registration Officer, or Revising Officer and the expression “official duty” shall for the purposes of this regulation be construed accordingly, but shall not include duties imposed otherwise than by these regulations.

(3) Where a prosecution for an offence against this regulation is instituted by a private prosecutor the court having cognizance of the case may order such prosecutor to give security for such costs as may become payable to the accused person for such amount and in such manner as to the court may seem fit, and in the event of failure to comply with such order the court shall discharge the accused person.

(4) In this regulation “private prosecutor” has the meaning assigned to it in section 255 of the Criminal Procedure Ordinance

Miscellaneous offences.

17. Any person who—

(a) without lawful authority destroys, mutilates, defaces or removes or makes any alteration in, any notice or document required to be made under the provisions of these regulations; or

(b) wilfully and knowingly gives false information or makes a false statement in relation to any claim or application to have his name placed on or retained in a register, or transferred to any portion of a register; or

(c) publishes any statement, rumour or report he knows or has reason to believe is false for the purpose of preventing persons who are qualified as voters from registering in accordance with these regulation; or

(d) makes in any register or document which he is required to prepare or publish in accordance with these regulations, any statement or entry which he knows to be false or does not believe to be true, shall be guilty pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Disqualification of persons convicted of certain offences.

18. Every person who is convicted of and offence against paragraph (c) of regulation 17 shall (in addition to any other punishment) be deemed incapable, during a period of three years after the date of his conviction —

Regulation 84 of Elections (Southern Cameroon House of Assembly)
Regulations 1957 Southern Cameroons L.N. 10/1958

(a) of being registered as an elector or voting at any election in the Southern Cameroon or

See Section 4(2) (g) proviso to Southern Cameroons Plebiscite Order in Council, 1960

(b) of being elected as a member of the House of Assembly of the Southern Cameroons or of any Native Authority or other local government body in the Southern Cameroons or, if elected before his conviction, of retaining his seat.

FIRST SCHEDULE
SOUTHERN CAMEROONS PLEBISCITE
FORM A
(Regulation 7)

Registration No......
(to be filled in by the Registration Officer)

APPLICATION FOR REGISTRATION

To the Registration Officer of

1.....of.....

Occupation.....hereby claim to be

Registered as a voter in the plebiscite district of.....

In respect of.....registration area.

Declare as follows:

(1) I am 21 years of age or over.

(2) I was born at.....in the.....
Division of the Southern Cameroons.

(3) My Father was born at.....in the
Division of the Southern Cameroons.

(4) My mother was born at.....in the
Division of the Southern Cameroons.

(5) I am not disqualified from being registered.

(6) I have not applied to be registered in another plebiscite district or
registration area.

DATED the.....day of.....1960

Claimant

***Signature of witness to thumb
print impression***

Notes on Form A

The following notes should be read before this form is completed:

1. A person claiming to be registered must present his application to Registration Officer in the registration area where he resides or in the registration area where he is otherwise entitled to be registered.
2. The applicant must insert TWO or more names by which he is known and his qualifying address otherwise his application will be refused.
3. Making a false declaration on this form is an offence punishable with a fine of one hundred pounds or a year's imprisonment.
-Strike out items not applicable

Second Schedule

(Regulation 7 (8))

Rules as to the Residence of Electors

1. The place of residence of a person is usually that place which has always or generally been his home, or which he has adopted as his home or where he is generally employed.
2. Where a person usually sleeps in one place and has his meals or is employed in another place, his place, his place of residence will be where he sleeps
3. For the purpose of these rules it will be assumed that a person can have only one place of residence and that it cannot be lost until it is replaced by another.
4. Temporary absence does not cause a loss, and an absence of less than six months, or which is anticipated to be less than six months, will be regarded as temporary if the intention is to resume actual residence within that period.

Made at Buea the 1st day of October 1960.

By His Honour's Command
KENNETH B. SCOTT,
Secretary to the Commissioner

**Southern Cameroons Plebiscite
Form B
(Regulation 9)
Second Applicatoin for Registration**

To the Registration Officer of.....

1.....hereby claim to be registered as

A voter in.....plebiscite district in respect

Ofregistration area.

I Declare That:

1. I submitted a claim to be registered in the above plebiscite district and registration area and that the claim was/was not accepted.

2. My name does not appear on the preliminary list for the above plebiscite district.

3. I am qualified and not disqualified to be registered as a voter.

DATED this.....day of.....19.....
.....

Claimant

.....
Signature of witness to
thumb print impression

Note

An application for registration on this Form should only be made by persons who claim to have applied to be registered before publication on the preliminary list.

- Strike out words which do not apply

Southern Cameroons Plebiscite

Form C

(Regulation 10)

Application For Transfer Of A Name On Preliminary List

To the Registration Officer of.....
Plebiscite district.

I,.....of.....

Being a person whose name appears in the preliminary list of voters for the.

.....plebiscite district in respect of
.....registration area hereby apply to

Have my name transferred to the section of the register which relates to.....
Registration area.

DATED this.....day of.....19.....
.....

Applicant

.....

***Signature of witness to
thumb print impression***

Note

Applications should not be made on this Form for transfer except by persons whose names appear under a different registration area from in which they applied to be registered.

Southern Cameroon Plebiscite

Form D

(Regulation 11)

Notice of Objection To Name In Preliminary List

To the Registration Officer of.....
Plebiscite district.

I,.....of.....

Being a person whose name appears in the preliminary list of voters for the

.....plebiscite district hereby give

You notice that I object to the name of.....of.....

.....being retained in the said list of voters on the following
Grounds :

*(1) That the person objected to is not qualified to have his name on the list.

*(2) That the person objected to is disqualified.

*(3) That the person objected to is dead.

*(4) That the person objected to is not entitled to register in the registration
area under which his name appears on the list.

DATED this.....day of.....19.....

.....
Objector

.....
Signature of witness to
thumb print impression

*Strike out whichever is not applicable

**Supplement to Southern Cameroon Gazette No. 53 Vol. 6. 7th
November, 1960 – Part B**

S.C.L.N. 67 of 1960

Southern Cameroons Plebiscite Order In Council, 1960

Southern Cameroons Plebiscite (Registration) (Amendment)
Regulations, 1960

Date of Commencement: 1st October, 1960

In exercise of the powers conferred by Article 4 of the Southern Cameroons Plebiscite Order in Council, 1960, the Commissioner of the Southern Cameroons has made the following regulations:—

Citation and Commencement

1. These regulation may be cited as the Southern Cameroons Plebiscite (Registration) (Amendment) Regulations, 1960, and shall be deemed to have come into force on the first day of October, 1960.

Amendment of regulation 7. S.C.L.N. 54 of 1960.

2. Regulation 7 of the Southern Cameroons Plebiscite (Registration) Regulations, 1960, (hereinafter called the principal regulations) is amended by adding thereto the following new paragraphs—

(9) At any time prior to the publication of the preliminary list the Registration Officer may make such corrections as may be necessary in order to correct clerical errors and to include in the list the names of persons who have been wrongly refused registration by Assistant Registration Officers and to include the names of persons who by reason of their duties in connection with the registration have been prevented from registering themselves.

(10) The Plebiscite Administrator may, in consultation with the United Nations Plebiscite Commissioner if practicable or if impracticable with the most senior member of the staff of the United Nations Plebiscite Commissioner available, extend the period or appoint a further period within which claims to be registered may be made in any registration area.”
Amendment of regulation 11.

3. Regulation 11 of the principal regulations is amended by substituting therefore the following regulations :—

“Objections. Security for costs of *prima facie* vexatious or frivolous objections.

11. (1) Every person whose name appears in the preliminary list for a particular registration area may object any other person whose name appears therein.

- (a) as not being entitled to be registered as a voter; or
- (b) as not being entitled to be registered in the registration area.

(2) A person objecting shall give notice of his objection to the Registration Officer within 15 days of the publication of the preliminary list in Form D in the First Schedule and shall deliver such form in person to the Registration Officer.

(3) At the time of giving notice of any objection or within such time as the Registration Officer may order, if it appears *prima facie* to the Registration Officer that the objection is vexatious or frivolous, the Registration Officer may, in his discretion, order the person delivering the notice to give security for the payment of such cost, charges and expenses as may become payable by him to any person objected to .

(4) The security shall be of such amount (not exceeding one pound in respect of each notice) as the Registration Officer may order and shall be deposited in cash and in the event of any failure to comply with such order no further proceedings shall be had on the objection”.

Amendment of regulations 13,14 and 15

12. Regulations 13,14 and 15 of the principal regulations are hereby amended by substituting therefore the following regulations—

Determination of claims, applications and objections.

13. (1) Each Revising Officer shall examine and determine in public all claims, applications and objections forwarded to him in accordance with regulation 12 and his decision thereon shall be final.

(2) A Revising Officer while determining any matter in public in accordance with the provisions of paragraph (1) shall have all the powers of a magistrate in respect of an offence committed in his presence and shall have all the protection of section 112 of the Magistrates' Court (Southern Cameroon) Law, 1955.

(3) With respect to any objection made under regulation 11 the Revising Officer, if satisfied that the grounds of the objection are established, shall strike out the name of the person from the preliminary list : provided that the Revising Officer may, if he is satisfied that the person objected to is entitled to be registered in another registration area of the plebiscite list which relates to that registration area.

(4) Before Striking out or transferring the name of a person under paragraph (3) the Revising Officer shall give notice to the person affected and give that person a reasonable opportunity to be heard with respect thereto.

(5) With respect to claims or applications under regulation 9 or 10, the Revising Officer, if he is satisfied that the grounds of the claim or application have been established, shall enter the name of the claimant in the preliminary list or transfer his name to another section thereof, as the case may be.

(6) For the purpose of determining claims, applications and objections the Revising Officer may receive such evidence as he may consider necessary and may administer oaths to all persons making claims, application or objection.

(7) For the purposed of paragraph (4) the notice shall be in writing and shall be served upon the person affected personally or, if personal service be impracticable, either by delivering it at his address as shown on the preliminary list or by posing it up at the registration office for the registration area under which the name of the person appeared in the preliminary list.

(8) Cost not exceeding one pound of and incidental to the determination of any objection shall, if the Revising Officer so orders, be defrayed by the parties in such manner and in such proportions as the Revising Officer may determine.

(9) All costs ordered to be paid by any person may be levied by distress, seizure and sale of the movable and immovable property of the person making default in payment and the provisions of the Sheriffs and Civil

Process Ordinance shall apply to any order for costs made under paragraph (8) of this regulation as though such order were an offer of the High Court or of the Court of a Magistrate.

Correction of preliminary list.

14. The Revising Officer shall make such additions and corrections in the preliminary list as are required list.

- (a) for the purpose of correcting clerical errors, and
- (b) for the removal of duplicate entries.

Final register of voters.

15. (1) Not later than 26th January, 1961, the Revising Officer shall complete the corrections and additions to the preliminary list in accordance with regulations 13 and 14 and shall cause the names therein to be numbered in such manner as the Plebiscite Administrator may direct and he shall then sign the list and forward it to the Plebiscite Administrator or such person as may be designated by the Plebiscite Administrator.

(2) The Plebiscite Administrator shall cause the list to be published in the manner prescribed in regulation 8 (2) not later than 10th February, 1961.

(3) At any time either before or after publication of the list but not later than the eighth day before the day of the plebiscite, the Plebiscite Administrator may cause any alteration, amendment or addition to be made to the list necessary in the compilation thereof to correct any clerical error.

(4) The list when so published shall be the register of voters in the plebiscite district.

(5) A copy of the register shall be made available for inspection by members of the public during normal office hours at the office of the Registration Officer after its publication.

(6) The Plebiscite Administrator shall make available such number of copies of the register for sale to members of the public as he shall consider desirable and practicable and shall prescribe such fee as the price thereof as he thinks reasonable'.

Amendment of regulation 17.

5. The following paragraph is substituted for paragraph (b) of regulation 17 of the principal regulations—

“(b) wilfully and knowingly gives false information or makes a false statement in relation to any claim, application or objection made under these regulations, or”.

Made at Buea this 5th day of November , 1960.

By His Honour’s Command,

KENNETH B. SCOTT,
Secretary to the Commissioner

A Bill
For

A Law To Provide For The Recognition Of Chiefs Within The
Southern Cameroons And Matters Relating Thereto.
[1960]

Be It Enacted by the Legislature of the Southern Cameroons as follows:-

1. This Law may be cited as The Recognition of the Southern Cameroons as follows :-

2. In this Law

“Chief” means any member of a tribe or clan or village or local community whose authority and control in that behalf is recognized by such tribe or clan or community and who has been duly installed as a chief.

“Court” means the High Court, Magistrate’s Court and any Native Court or Customary Court.

“ The Minister” means the Minister who for the time being is charged with responsibility for Local Government.

“Property” include all regalia and other things whatsoever attaching to a chief by virtue of his chieftaincy.

“Chieftaincy Advisory Committee” means a body consisting of

- (a) a chairman appointed by the Commissioner in Council and
- (b) not more than five members appointed by the Commissioner in Council from a panel of ten persons designated for the purpose from among their number by the House of Chiefs of the Southern Cameroons.

3. (1) Whenever the Minister is of the opinion that no dispute exists as to the person entitled to be a chief or to be appointed a chief he shall advise the Commissioner in Council accordingly.

(2) After the receipt of such advice the Commissioner in Council may recognize the person to be a chief.

4 (1) Whenever the Minister is of opinion that a dispute exists as to the person entitled to be a chief or to be appointed a chief he shall advise the Commissioner in Council accordingly.

(2) After the receipt of such advice the Commissioner in Council shall refer the matter to a Chieftaincy Advisory Committee which shall make due inquiry into the matter.

(3) After reference has been made under the provisions of this section to a Chieftaincy Advisory Committee and after consideration of the report of such Committee the Commissioner in Council does not accept the report of the Chieftaincy Advisory Committee he may refer the matter back to such Committee once for further consideration by it and thereafter having received and considered the further report of such Committee he may recognize such person as chief as he shall think fit and shall not be bound in this respect to act in accordance with the advice of the Chieftaincy Advisory Committee.

5. A register of the names of recognized chiefs shall be kept in the Ministry of Local Government.

6. The Commissioner in Council may withdraw recognition from any recognized chief after reference of the matter has been made to a Chieftaincy Advisory Committee in accordance with the procedure laid down in Section 4 of this Law if it appears that such withdrawal of recognition is required by Native Law and Custom or is necessary in the interests of peace or order or good government and if recognition is so withdrawn the name of the person from whom recognition has been withdrawn shall be erased from the register of recognized chiefs.

7. The recognition or withdrawal of recognition of a person as a chief by the Commissioner in Council shall not be subject to question in any court.

8. Notwithstanding anything contained in any written Law whereby jurisdiction is conferred upon any court, whether such jurisdiction is original, appellate or by way of transfer, a court shall not have jurisdiction to entertain any civil cause or matter instituted for.

(a) the determination of any question relating to the selection, appointment, installation, deposition or abdication of a chief or

(b) the recovery or delivery up of any property in connection with the selection, appointment, installation, deposition, or abdication of a chief. Provided that any chief who has been recognized shall not be precluded from taking action in a court of competent jurisdiction for the recovery or delivery of such property and related damages.

9. After the Commissioner in Council has recognized a person as a chief any person who

(a) installs or purports to install another person as chief o

(b) allows himself to be installed as a chief in the stead of the person so recognized or

(c) holds himself out as or carries out or attempts to carry out the functions of a chief in the stead of the person so recognized or

(d) uses, occupies or appropriates any real or personal property attaching to a chief so recognized is guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment ad fine.

Objects and Reasons

The objects of this Bill are to provide for the recognition of chiefs, for the resolution of disputes concerning chieftaincies and for the withdrawal of recognition from chiefs in the event of Native Law and Custom or the interests or order or good government so requiring. It also provides for matters relating to these purposes.

J. HARVEY-ROBSON,
*Attorney-General of the
Southern Cameroon*

Chapter 6

House of Assembly Debates: Supplementary Appropriation, Medical Reports, Firearms, 'Check off' System

SOUTHERN CAMEROONS HOUSE OF ASSEMBLY DEBATES

OFFICIAL REPORT

Comprising period
13th to 18th September, 1961

ALPHABETICAL LIST OF MEMBERS

(Returned at the General Election held on the 24th January, 1959)

A

Ajebe-Sone F. N.	Kumba East
Ando-Seh Rev. S.	Nkambe South

B

Bokwe J.M.	Kumba West
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E

Effiom W.N.O	Mamfe West
Endeley Dr E. M. L.	Victoria North-West

F

Foncha J. N.	Bafut East
Fonyonga W. S.	Bamenda South
Frambo D. M.	Mamfe South

J

Jua A. N.	Wum West
-----------	----------

K

Kangsen Rev. J. C.	Wum Central
Kemcha P. M.	Mamfe East

L

Lainjo V. T.

Bamenda North

M

Mbile N. N.

Kumba North-West

Motomby-Woleta P. N.

Victoria South-West

Monono M. M.

Victoria South-East

Muna S. T.

Bamenda West

N

Nasako J. M.

Kumba South-West

Ncha S. E.

Mamfe East

Ndoke M. N.

Victoria North-East

Nganje J. H.

Bamenda Ndob West

Nsame J.

Nkambe South

Nji S. N.

Wum North

Nyanganyi D.

Nkambe East

T

Tamfu S. N.

Nkambe Central

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OSBALDISTON FIELD, C.M.G

THE PREMIER- HONOURABLE JOHN NGU FONCHA

THE ATTORNEY-GENERAL- HONOURABLE B. G. SMITH

THE DEPUTY COMMISSIONER- HONOURABLE M.H.N. MILNE

THE FINANCIAL SECRETARY- HONOURABLE A. D. H.

PATERSON

MINISTER OF FINANCE, COMMERCE & INDUSTRIES-

HONOURABLE S. T. MUNA

MINISTER OF SOCIAL SERVICE- HONOURABLE A. N. JUA

MINISTER OF NATURAL RESOURCES- HONOURABLE P. M.

KEMCHA

MINISTER OF WORKS & TRANSPORT- HONOURABLE W. N. O

EFFIOM

MINISTER OF CO-OPERATIVES & COMMUNITY

DEVELOPMENT- HONOURABLE J. M. BOKWE

MINISTER OF STATE – HONOURABLE M. N. NDOKE

SPEAKER OF THE HOUSE OF ASSEMBLY
HONOURABLE E. T. EGBE, B.L, B.COM., F.C.C.S.

PARLIAMENTARY SECRETARIES

PARLIAMENTARY SECRETARY, MINISTER OF COMMERCE &
INDUSTRIES

HONOURABLE S. N. NJI

PARLIAMENTARY SECRETARY, MINISTER OF WORKS &
TRANSPORT

HONOURABLE M.M. MONONO

PARLIAMENTARY SECRETARY, MINISTER OF LOCAL
GOVERNMENT

HONOURABLE J. H. NGANJE

PUBLIC ACCOUNTS COMMITTEE

Mr. H. McCartney } *Chairman*

Rev. S. Ando-Seh }
Mr. W. S. Fonyonga } *Members*
Mr. D. M. Frambo }
Mr. V. T. Lainjo }

BUSINESS COMMITTEE

THE PREMIER *Chairman*

THE MINISTER OF COMMERCE AND INDUSTRIES

Mr. W. S. Fonyonga *Members*

Mr. S. Moffor

Mr. P. N. Motomby-Woleta

CLERK TO THE HOUSE OF ASSEMBLY Mr. K. C. Thompson

CLERK ASSISTANT Mr. C. O. Betow

Parliamentary Clerk & Assistant Editor of Hansard Mr. P.Z. Mbuh

SERGEANT-AT-ARMS Mr. F. Patcha

SOUTHERN CAMEROONS HOUSE OF ASSEMBLY

Third Session, Third Meeting
Wednesday 13th September, 1961
The House met at 10 o'clock

Prayers
(Mr. Speaker in the Chair)

MINISTERIAL STATEMENT

Mr. Speaker: I have a communication from His Honour the Commissioner to report that the Honourable House of Chiefs assembled on Tuesday the 6th of September, 1960, and in the ensuing passed certain Resolutions for my consideration, which it is my duty to furnish to you to enable you to lay the said Resolutions before the House in accordance with Section 236 of Her Majesty's Order in Council providing for the Constitution.

"Now therefore there are furnished herewith five Resolutions, with particulars of Amendments thereto in the cases where Amendments have been advised and resolved upon by that Honourable House".

Speech by His Excellency the High Commissioner of the Southern Cameroons

Mr. Speaker, Honourable Members, I have come to address you today not, as is more usual, as the mouthpiece of my Government, but in exercise of my Constitutional privilege of entering your House and addressing you in my personal capacity.

My term of office as Commissioner is drawing to an end and I should not wish to go away from the Southern Cameroons without taking leave of this House with which I have been so closely associated throughout the five years that I have been among you. I am glad that your House is meeting at this time since it gives me the opportunity of saying farewell not only to you but through you, as their elected representatives, to all the other people in the country, who to my regret I cannot take leave of personally.

Honourable Members, it is natural at a time like this that one's mind should range back over the days that are now coming to a close, and to take stock of the things that have been done and of the thing that might have been done. Alas, there are many things which many of us would like to have seen done and which have not yet been possible to do. I can speak more freely of this because each side of the House has in its time formed the Government, and both sides will know that if a number of desirable things have not been done, it has not been for lack of policies or

of the will to do them, but for lack of the necessary resources to carry them out. That is a frustration that has equally beset all my Ministers, both those previously in power and those in power now. It is, of course, a difficulty that all developing countries are facing and is not peculiar with the Southern Cameroons.

But there is one sphere in which we have made an almost startling advance – in the sphere of constitutional development. In five short years we have together covered the road from the first beginnings of representative government to the final goal of independence. That we have been able to go so far in so short a time is because all of you, whether as Ministers in my Government, or as ordinary back-benchers on either side of the House have willingly and loyally worked the constitution in each stage of its development. We have had none of the boycotts, or non-co-operation or civil disobedience or such-like ill conceived devices that have been adopted elsewhere in the world and which, in the result, served only to delay that progress which everyone has been so anxious to achieve. Instead, we have had orderly and steady advances and I willingly pay tribute to both sides of the House for the part you have played in making this possible. And I am glad that these responsible methods have now brought their own reward.

Mr. Speaker and Honourable Members, we are now coming to the close of an era. In a few short days, the responsibilities of Her Majesty's Government in the Southern Cameroons will have come to an end. It is not my purpose to survey the achievements of the British during the forty years of our administration. What has been done or left undone is written on the page of history for all to see. It will be for posterity to pass judgement, and I, for one, am not apprehensive of their verdict.

We have now come to the end of that page and are about to turn a new one. What is written there will be for the people of the Cameroons themselves to write, and from now on the world will judge you by your own record. I have been thinking what, if I were the one responsible for passing judgement, I should like to be able to read there.

Fifteen hundred years ago, in the preface to a law book which he had caused to be prepared for students, the Roman Emperor Justinian wrote—"The precepts of the law are these: to live honestly, to hurt nobody and to give everyone his due". To live honestly: In terms of governmental practice that means to seek honestly what is right for your fellow men and to have the courage to do what you believe to be right. Too often in the world today what is right is trimmed, or forsaken altogether, because it is more expedient in terms of popularity, or party support or even personal gain, to do something else. But in the long run, and all too often in the short run, expediency like all other less than honest courses, leads only to disaster.

To hurt nobody: Those who seek power take upon themselves the heavy responsibility of exercising it wisely. It has been said 'All power corrupts'. This may not be entirely true but certainly all power brings to it the temptation to abuse it, and that is a temptation that must be resolutely resisted. It is all too easy to use power wrongly to crush legitimate opposition, to rig the public administration for one's own convenience, or to favour some individuals at the expense of others; and all too often it is easy to justify it, at any rate to one's self, on the specious plea that one knows best what is good for the country and that the end justifies the means. Never was there a greater fallacy, for there can be no justification for injustice.

And to give everyone his due: Government should exist for the benefit of the people governed, not for the benefit of the few who are governing. Every citizen has rights, which is the duty of the government to protect. The individual citizen is entitled to look to the government for the impartial enforcement of his own just claims and for protection against the unjust claims of others. He has the right to demand that the government shall itself at all times act within the law, and not ride rough-shod over it whenever, as quite often happens, the law proves inconvenient. No greater responsibility rests upon any government than the duty to see that the law is impartially administered and effectively enforced.

Honourable Members, I commend these thoughts for your attention and these principles for your guidance. You and those who will immediately follow you are faced with the challenge of building a nation. If, when posterity reads the next page of history which you are now about to write, they can say of you "They lived honestly, they hurt nobody and they gave everyone his due" then you may proudly claim that you have indeed built well. If on the other hand, you forsake these principles, then posterity will record only one verdict of you: "They were the architect of their own destruction".

Mr. Speaker and Honourable Members, I should like to end on a personal note. My years in the Southern Cameroons have been happy years. We have had our problems, we have had our difficulties and worries, but those are the things one must expect if one thrusts one's self into public affairs. With the passing of time they fade into the background and are forgotten. But what I shall never forget is all the warmth and friendliness that I have met on every side from the first day I came to live among you. And that is especially true of this House. Many of you, from both sides, have been my Ministers, and although in the nature of things we may sometimes have had differences of opinion, there has never been a time, that I can recall, when any differences about official matters have intruded into our personal relations. Perhaps it is the right time for me to take

leave of you, for I have always held that in five years any one man has done as much as he can do and that it is then time for him to move on. But I shall go with happy memories of the Southern Cameroons and with a very real and sincere affection for all its people. I leave behind with you my heart-felt good wishes for your future. I am confident that whatever problems may lie ahead, you will rise to them and overcome them. For my part, I shall never forget you.

May God guide you in the days ahead! May His blessing rest upon you all.

The Premier (Mr. J. N. Foncha): Today, therefore, we feel a mixture of pride and sorrow. Pride both in our achievements and in the Constitutional progress and development which lies before us; sorry that Your Excellency who has helped us so much will no longer be available to offer your advice and assistance. To both yourself and Lady Robertson, whose charm and courtesy we have so much appreciated, I wish to express the thanks and the good wishes of the Members of this House and the House of Chiefs, and indeed of the entire people of the Southern Cameroons. We ask only one thing. That when you leave this Territory you will not forget about it or its people. I assure Your Excellency that when you leave us you will carry with you the affection and esteem of the people of the Southern Cameroons.

Your Excellency, Mr. Speaker, Sir, I thank you.

ADJOURNMENT

Motion made and question proposed- 'That the House do now adjourn' (The Premier).

Question put and agreed to.

The House adjourned accordingly at 11:04 A.M until 10:00 A.M on Thursday, the 14th of September, 1961

Third Session, Third Meeting

Thursday 14th September, 1961

The House met at 10 o'clock

Prayers

(Mr. Speaker in the Chair)

The Oath of Allegiance

The Speaker of the Southern Cameroons House of Assembly Honourable E.T. Egbe took the oath Allegiance and subscribed the Roll.

Mr. Speaker: I have communication from His Honour the Commissioner to report that certain resolutions have been passed through the House of Chiefs, copies of which Honourable Members may have had or will be circulated.

PAPERS

The Constitution of the future Federal Republic of Cameroon: interim English translation.

PRESENTATION OF PUBLIC BILLS

The Minister of Finance, Commerce and Industries presented the following Bill:

The Supplementary Appropriation (1961-62) Law, 1961.

The Attorney-General presented the following Bill:

The Evidence (Amendment) Law, 1961.

The Premier presented the following Bill:

The Labour Code (Amendment) Law, 1961.

ORDERS OF THE DAY

Supplementary Appropriation (1961-62) Bill 1961 – Second Reading

Supplementary Speech by the Minister of Finance, The Hon. S. T. Muna

Mr. Speaker, Sir, in accordance with Standing Order 68 I have to report that I have it in command from His Honour, the Commissioner of the Southern Cameroons, to state that His Honour has given his recommendation to the consideration by this House of the following Bill: 'A Bill for a law to apply a supplementary sum out of the Consolidated Revenue Fund to the Service of the year ending on the 31st day of March, one thousand nine hundred and sixty-two'.

I have great pleasure in introducing this Bill as the First Minister of Finance in the Southern Cameroons. The Bill before the House provides for a total of supplementary provision amounting to £93, 504. Copies of the Supplementary Estimates which support the Bill have also been distributed

to members of the House and the Memorandum at the back of those Supplementary Estimates sets out the reasons for the supplementary provision.

I would like, briefly, to touch on the main features of the Supplementary Estimates in this address and also to assure the House that I will be pleased to furnish any further information which members may request during the course of the debate on the Bill.

On page two of the Supplementary Estimates a revised financial statement appears and I would like to draw the attention of the House to the much improved position with regard to the out-turn for 1960/61. When the main Estimates for 1961-62 were being prepared it was expected that there might be a large deficit for the preceding financial year of over £300,000. However, as members will now see, the revised assessment of the revenue and expenditure of that year anticipated a much reduced deficit of only approximately £30,000. Although, on the face of it, this appears to be just cause for satisfaction this altered position arises from, in the main, the fact that expenditure in 1960-61 fell short of estimated figures in the Budget. Expenditure ran below the Estimates mainly because of the staffing difficulties experienced during the year and also as a result of the unusual circumstances which prevailed during that period. This same feature also appears in the Capital Estimates where the expenditure of 1961/61 totalled only £784,000 against the estimate of £991,000.

This has meant that the opening balances of the Consolidated Revenue Fund and the Development Fund at the commencement of the current financial year were considerably higher than earlier anticipated. This will have the probable effect of reducing the necessity for Grant-in-Aid offered by the United Kingdom last March. In March, the Financial Secretary described the various forms of aid which were being offered by the United Kingdom for 1961/62 and these were subsequently summarized in the Memorandum on the main Estimates for 1961-62. Included in the aid offered were £180,000 recurrent and £126,000 capital Grants-in-Aid. These grants were intended as ceiling figures designed to cover any gap between expenditure and revenue at the 30th September when United Kingdom Trusteeship in the Southern Cameroons is terminated. But account must also be taken of our local resource and the aid offered in contingent on our local resources being utilized in the first instance. As far as the Recurrent Budget goes it seems likely that there may be a gap of only about £28,000 between expenditure over the first six months and revenue over the same period. On the Capital side it seems that there will be a short-fall in resources of about £120,000 in the period of six months ending on the 30th September. However, recently I have received information that a payment of £72,000 has been made to the Southern Cameroons by the West African Currency Board. This sum represents the

Southern Cameroons share of the profits of the Board for 1960 and also a special allocation of the surplus assets of the Board. This amount of £72,000 is being credited to the Development Fund since it is a wind-fall item of a non-recurrent nature and this may mean that the Grant-in-Aid required over the first six months can be reduced by a corresponding sum. It will be seen, however, that although the prospect with regard to the resources available for the current year has improved, there still remains a large estimate deficit on the Recurrent Budget of £296,000 and on the Capital Estimates of almost £200,000. The revised estimated deficit on the Recurrent side could, in fact, be met by running down the Consolidated Revenue Fund to £236,000 and it seems probable that this may occur if all expenditure goes according to plan. The revised recurrent deficit is slightly higher than the original estimate as a number of expenditure items have been added by warrant since the 1st of April and these items are shown in the Supplementary Estimates. Part of the increases have been offset by improvements in revenue, notably in the field of import duties, but I have considered it prudent to adopt a cautious attitude in raising our revenue estimates because of the great difficulties of staffing and organization which are likely to arise after the end of the trusteeship and which will have effect on the operations of the revenue collection services. In the Recurrent Estimates the main items of note are the provision under the Commissioner's Office for the training of Customs and Post and Telegraphs personnel to replace Nigerians leaving the territory at the end of the trusteeship. An emergency training scheme was established for these two departments in July and it is hoped that the recruits being trained will be capable of carrying out the basic duties of the posts concerned by the end of this month.

Under the Premier's Office provision is made for the expansion of the Labour Division as part of the arrangements of the takeover of this service from the Federal Government of Nigeria.

In the Treasury Head some strengthening of the establishment has been necessary because of the increased burden being placed on this Department at the end of the trusteeship and during the transition phase in the initial stages of unification.

In the Ministry of Co-operatives and community Development a new Division is set up to co-ordinate Community Development activities. In the main provision for this new Division is drawn from other sections of the same Ministry and from the Education Department.

Under the Medical Head some substantial increases appear, mainly because additional requirements were not taken into account in the original Draft Estimates for 1961/62. The specific reasons why these extra sums are required are set out in the Memorandum at the back of the Supplementary Estimates.

Under the Head of Public Works a new Water Rate Collection section is established to assess and collect water rates throughout the territory at new levels decided upon earlier this year. A most comprehensive examination was carried out by the Ministry of Works on this subject and it was discovered that the Government was losing substantial sums in revenue because of the non-existence of an overall water rating scheme for all water supplies in the territory. Under the new scheme rates are being levied at standard levels and the burden of meeting the cost of all water supply services in the territory will be spread equitably over all those benefiting from these services. It is expected that the revenue under the new scheme will adequately offset the increased expenditure shown. Under the Miscellaneous Head some increases occur because of the additional activities connected with unification and the end of trusteeship. It has been necessary, and will undoubtedly continue to be necessary, to hold a greatly increased number of meetings and conferences during this year and special provision has to be made for the costs involved. Under this Head, too, there appears a new item for a contribution to the new Federal Government. This is designed to provide, in the first instance only, an amount for the Southern Cameroons share of the cost of the new Federal services. It is intended, of course, that a commission of experts should examine the whole question of revenue allocation between the two states of the new Federation and make recommendations as to how the available resources can be fairly shared between the State Governments and the new Federal Government, taking account of the service which will become federal under the new Constitution. Until this commission has met and made recommendations and those recommendations have been considered by the Governments concerned it has been agreed that the federal services should be financed by contributions from the two member States. The exact basis for these contributions has yet to be agreed between the Government concerned but the new sub-Head under this Head which is by way of a token sum only is intended to enable the Southern Cameroons contribution to be made at the appropriate time. Head 555 shows in detail the establishment and other charges for some of the services hitherto carried out on an Agency basis by the Federal Government of Nigeria. The costs of these services until now have been met from one line block figures under this Head but from September it has become necessary to show the details of certain of the services so that recruitment and transfer of personnel can take place to the Southern Cameroons Public Service and the ancillary charges made directly from Southern Cameroons votes. This, of course, is all part of the exercise of transferring certain of former Agency Services in the first instance to the Southern Cameroons Government and subsequently to the new Federal

Government. The expenditure set out in detail under this Head is almost entirely offset by savings under the original block items in the same Head since charges will no longer be against those items once the responsibility for the services has been transferred. Also under this Head is a new section for a Police Mobile Wing. This Wing comprising 120 personnel, has been established recently and is being trained at Jakiri by Police and Army instructors. The aim is to create the nucleus of an armed, highly mobile wing of the police force which will be capable of dealing with situations outside the scope of normal police force but not sufficiently serious to warrant military intervention.

A great deal of planning and detailed work is ahead of us in the task of effecting unification of this territory with the Cameroon Republic. Most of the problems which are arising, and which will continue to arise, are extremely complicated and require very careful treatment if they are to be effectively solved. It is probable that the second set of Supplementary Estimates which will, in due course be presented to the House, will contain further provision for new items arising out of the steps being taken to effect unification and we must expect a number of novel features in the Budget for next year. For the present time it has only been possible to make provision for those items which we know at this stage will be required immediately after the end of trusteeship. Provision for further developments will be made where necessary by means of special warrants issued in accordance with the law and these, of course, will subsequently be reported to the House.

Mr. Speaker, Sir, I beg to move.

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, I beg to second.

Mr. Speaker: In accordance with Standing Order 65 the bill stands adjourned for the moment for a period of one day and will be resumed tomorrow.

EVIDENCE (AMENDMENT) LAW, 1961

The Attorney-General (Mr. B.G. Smith): Mr. Speaker, Sir, I beg to move that a further law to amend the Evidence Ordinance and the Criminal Procedure Ordinance in respect of the Evidence of Qualified Medical Practitioner be read a second time. Mr. Speaker, Sir, the object of this measure is to allow the medical certificate of a general medical practitioner to be used as evidence in criminal cases in the same way as the government medical officer certificates are used at present. The practice here shows that over often all the courts requires with regard to medical evidence is

what is in fact written in the medical certificate, to the effect that a leg was broken at a certain place or his death was caused in such and such a way, or the evidence of that nature. Very rarely are these evidence called a question. Provision at the moment is that in the criminal procedure ordinance and also in the evidence ordinance for the certificate of government medical officers to be accepted subject to certain safeguards. The safeguard is that either party can apply to have the government medical officer to come personally to court to give evidence. A great deal of inconvenience has arisen recently in the Southern Cameroons because we have relatively few government medical officers, but we do have quite a large number of private medical practitioners particularly as Mission doctors in the north of the territory. What happen is that one of these medical officers will, save, carry out the post-mortem and give his report, and he may very well go off on six months leave. Now the seems to be actually no reason whatsoever why private medical practitioner certificates should not be accepted in the same way as government medical officer certificates and that is what this measure proposes. The first amendment proposed is to put in a new Section 41(b) into the Evidence Ordinance. The present 41(a) which this House inserted in the Evidence Ordinance in 1956 provided that certificates of government medical officers will be sufficient evidence in all criminal cases provided that the court of its own motion will at the request of either the prosecutor or the defence could call the judge to give evidence if it is at all fit. Well, exactly a similar provision is now being extended to the evidence of any qualified medical practitioner. The only proviso Sir, which does not exist. With regard to a Government Medical Officer, the only proviso is that the report must have been written on the same day, or the day following, on which the examination was made. If a doctor has gone on leave you wouldn't write three months later and ask for a medical certificate. The amendment proposed to the Criminal Procedure Ordinance amends Section 311 of that Ordinance. In 1956 this House made certain amendments to the Criminal Procedure Ordinance, in fact it inserted a completely new Section 311 and sub-section 3 of that Section provided that where a medical examination has been conducted by a Government Medical Officer the written report of such an officer should be received by the Magistrate and may be taken as sufficient evidence of the facts stated therein and gives the usual proviso that the Court can, if it wants to, call the doctor to give evidence. The sub-section should read instead of 'Government Medical Officer' 'The written report of a medical examination by a preliminary enquiry as sufficient evidence of the facts set out therein. It is desirable that the court should be permitted to receive such a report from any qualified medical practitioner. It should started therein. Mr. Speaker, Sir,

I would point out to the House that no great change in the Law, is being suggested here, it is merely to extend to all qualified medical practitioners provisions which previously existed in favour of the medical certificate of Government Medical Officers only.

Mr. Speaker, Sir, I beg to move.

The Minister of Social Services (Mr. A. N. Jua): I beg to second

Mr. Speaker: Order, order. The question is that the Evidence (Amendment) Law, 1961 be read a second time.

Mr. P. N. Motomby-Woleta (Victoria South-West): Mr. Speaker, Sir, we on this side of the House agree with the purpose of this amendment; that it is not only common sense and expedient but it is also desirable for the exposition of justice. There is, however, a small point I want to be fully explained, that is the second paragraph in part two where there is a proviso that such a report should purport to have been written on the same day or on the day following the one on which the examination was made by such medical practitioner. Does this imply that if the report is not written on those two days specified it will not be possible if, for instance, a doctor had a pile of corpse to perform post-mortem examinations upon? This is not uncommon. There could be a few dozen corpses along in the mortuary and it might take more than two days or three before the doctor could settle down to write his report. If this section of the Law would not disqualify such a report in every sense of the Law, then it is quite harmless. And quite apart from this, Sir, it is very true that there is a death of medical officers, particularly in Government hospitals. But to see doctors being removed from present duties, attending Court, giving frivolous evidence because a man is to be tried on what may result in capital punishment. He should be given the fairest trial and the best evidence possible. But this doctor, Sir, I have had the experience myself of finding long queues of people waiting to see the doctor and the doctor is away in Court. I do not know whether the Attorney-General would not exercise his brains to draw a dividing line between these things which remove hard-pressed doctors to come to Court on things which could be handled by some lesser person in some other form. It is commended to the Attorney-General to exercise himself upon this. If this proviso under Section 2 of this amendment is clarified, as I have said, on this side of the House, members agree in principle with this amendment. Mr. Speaker, Sir, I beg to support.

Attorney-General (Mr. B. G. Smith): Mr. Speaker, Sir, the Honourable member has raised two points that I should like to deal with. If I can deal with the second point first, the attendance of doctors in Court. I agree that it is unfortunate that doctors have to go to Court on many occasions and give what appears to be largely formal evidence and go away again. As far as possible the Public Prosecutor does rely on medical certificates and there is the right for the Defence to call the doctor. Very often it is the Defence that calls the doctor because they wish to put to the doctor a proposition as to how a certain injury may have been obtained. It very often happens because he has been stabbed and the Defence not at all, he tripped and fell on a piece of glass and cut himself. Well, in such a case it is very necessary for the doctor to say whether or not it was caused by a large cutlass or by broken glass. So it is very often the Defence that requires the calling of a doctor to give medical evidence. With regards to the waste of time of doctors in Court, so far as I am aware, Magistrates and certainly the High court in this Territory, deal with doctors as quickly as possible; as quickly as they can. As far as possible they will appoint a time for them to come. In fact, I can cite a case that only happened a couple of days ago where a doctor phoned up and said that he had an important operation to perform. He was given a time of 12 o'clock. So far as I know he attended Court at 12 o'clock and went quickly. But there are difficulties with regards to this. Sometimes when you take the doctor's evidence first of all out of its order it can happen that you have merely go to recall him again later on when the full story with regard to how a particular incident happened is before the Court, in order to check the medical evidence against the facts which have been found. Nevertheless the matter is borne in mind by the courts and apart from making full use of medical certificate and the court acting with common sense with regard to calling the doctors by telephone and dealing with them as soon as they come, apart from that no means of saving doctors' time has yet been found and if anybody can suggest it I am quite certain that the courts, the Law officers and, certainly, the Minister of Social Service will be only too glad to give it every consideration. If I may now pass on to the second point with regard to the proviso of the suggested Section 41B, it does mean to say that if the medical certificate were written more than one a day after the examination it could not be accepted by the Court. Of course, as a matter of practice, having seen a very large number of post-mortem reports, the actual notes that the doctor takes at the particular time (*I'm open to correction on this*) come out in the form of the report itself and the mere submission of the note taken at the original time would be a compliance with Section 41B, in my opinion. As I say, the intension of the proviso is that the Court should have before it a certificate made whilst the facts were freshly in the doctor's mind. So

far as the Government Medical Officers are concerned their giving of prompt medical certificates can be enforced through General Orders. So far as medical practitioners, private ones, are concerned, it can only be done in this way by express legislation. If Members of this House feel that this is unduly restricted by private medical practitioners it would be possible in the committee Stage of this Bill to suggest the removal of this proviso and leave it to the Court itself to make up its own mind where or not the certificate were sufficiently up-to-date for it to rely on. I suggest that there is one argument against removing this proviso and that is that that may mean that doctors, that private medical practitioners, will not start writing up a report until they think they are likely to be called into Court. So it must be...but there are difficulties with regard to this. Sometimes when you take the doctor's evidence first of all out of its order it can happen that you've merely got to recall him again later on when the full story with regard to how a particular incident happened is before the Court, in order to check the medical evidence against the facts which have been found. Nevertheless the matter is borne in mind by the courts and apart from making full use of medical certificate and the courts acting with common sense with regard to calling doctors by telephone and dealing with them as soon as they come, apart from that no means of saving doctors' time has yet been found and if anybody can suggest it I'm quite certain that the courts, the Law Officers and, certainly, the Minister of Social Services will be only too glad to give it every consideration. If I may now pass on to the second point with regard to the proviso of the suggested Section 41B, it does mean to say that if the medical certificate were written more than one a day after the examination it could not be accepted by the Court. Of course, as a matter of practice, having seen a very large number of post-mortem reports, the actual notes that the doctor takes at the particular time (*I'm open to correction on this*) come out in the form of the report itself and the mere submission of the note taken at the original time would be a compliance with Section 41B, in my opinion. As I say, the intension of the proviso is that the Court should have before it a certificate made whilst the facts were freshly in the doctor's mind. So far as the Government Medical Officers are concerned their giving of prompt medical certificates can be enforced through General Orders. So far as medical practitioners, private ones, are concerned, it can only be done in this way by express legislation. If Members of this House feel that this is unduly restricted by private medical practitioners it would be possible in the committee Stage of this Bill to suggest the removal of this proviso and leave it to the Court itself to make up its own mind where or not the certificate were sufficiently up-to-date for it to rely on. I suggest that there is one argument against removing this proviso and that is that

may mean that doctors, that private medical practitioners, will not start writing up a report until they think they are likely to be called into Court. So it must be fairly obvious to a medical practitioner at any time when he is looking at cuts or so on to decide whether or not he is likely to be made a witness in a criminal case.

I beg to move that the question be now put.

Mr. Speaker: Order, order. The question is that the Evidence (Amendment) Law, 1961 be read a second time, put and agreed to.

Bill accordingly read a second time and committed to a Committee of the Whole House.

(HOUSE IN COMMITTEE)

Clause I put and agreed to.

Question Proposed— ‘That Clause 2 of the Bill stand part of the Schedule’.

Mr. P. N. Motomby-Woleta (Victoria South-West): Mr. Chairman, Sir, I would like to amend this section of the Bill to ask that we delete this proviso which stipulates that private medical practitioners’ certificates should be acceptable only if they were written the day on which the examination was made or the day after. Sir, I think medical practitioners are responsible enough to know what importance is attached to their reports generally whether they be meant for tendering in Court or not. Besides, Sir, I am not doctor but I do know that it may be required for certain parts of the body to be sent to some specialists’ hospital for detailed pathological examination before completing the compilation of their report, so that this proviso may place undue restrictions even on the proper performance of the doctors’ duties by way of preparing a certificate, and as the Attorney-General has indicated earlier, Sir, I think it a matter which could be left in the hands of the Court to determine the validity of the certificate according to when and how it was written. Sir, the spirit behind law making is that the law should not be unduly restrictive to any one kind of persons. I am sure, Sir, that to be a licensed medical practitioner he knows the conduct required of his profession and he would not toy with a medical certificate which might be the deciding factor of the life of a person.

Mr. Chairman, Sir, I beg to move

Mr. N.N. Mbile (Kumba North -West): I just want to add a word or two in the form of emphasis or stress of the point which my Honourable colleague has just made. This is a simple provision which I am sure can be left out of this bill without changing the purpose for which it has been put forward here. Supposing a medical practitioner did write his report one day or two days after, or on the second day, the person might make a simple mistake like that and evidence would not be proper. In other words, somebody could hang on that simple evidence. Some simple thing could take the medical practitioner away and he would not be able to write the report on that day and for a simple thing which nobody could control somebody could be hanged. I think we ought to leave proviso out. It would be very harmless indeed if we left it out.

Mr. S. Moffor (Bamenda Central East): Mr. Chairman, I rise to speak in support of the amended bill. I do not agree with the view expressed by my Hon. Colleague in this point because if we are speaking in terms of this medical practitioner, we can speak on consideration of the distance between Banzo and Wum and Nkambe, where no hospitals are in existence. In my humble opinion, Sir, I feel that if clause two of the bill, second portion, which has given proviso that 'Provided that such report purports to be written on the same day as or on the day following such examination was made by such medial officer', that I think that provision of the following day has actually kept out the doubt which was formally installed in my kind. I feel that when passing this Bill into law this Hon. House should give due consideration to the distance which I have stated previously in this Hon. House about Wum, Nkambe and Banzo, where hospitals are not in existence. In Bamenda there is a practitioner a...touring magistrate, a magistrate...who can tour Banzo and Wum and Nkambe for inspection. If this system is permanent, then I am satisfied that section two can be appropriate for the Bill..(interruption)...

The Leader of the Opposition (Dr. E.M.L.Endeley): I wish to re-emphasize what my colleague on this side has said, the Hon. Motomby-Woleta. I think the clause is absolutely unnecessary. I cannot conceive of a medical practitioner seeing a wounded person and cannot make his notes as soon as he can afford to do so. I cannot conceive that it requires a particular clause in the Law to make him to do that. The tricks that memory place on people like doctors we all know, but to put it down here is to give the impression that unless one is a government medical officer he has no responsibility. I think the clause should be struck out.

The Minister of Finance, Commerce and Industries (Mr. S.T. Muna):

Mr. Chairman, Sir, I would like to say that the Government has quite an open mind on the issue, but this is an important amendment. The doctor's report is a statement of fact and it may concern the life of a person who is convicted, if not sending such a person to goal. I would like to emphasize the point made by the Attorney-General, that is, no doctor will fail, as the last speaker has just mentioned, to take notes. Now the taking of notes as the Attorney-General had earlier stated will enable such a doctor to present a report and if not a detail report, the notes are quite sufficient as a report, but I think retention of this clause as it is will make it incumbent on a doctor. He may say: I have observed an artery has occurred, it is bleeding and so on, I will write my report tomorrow; but without notes I think the memory may fail in writing the report a day after. I think in my personal opinion this provision is a safeguard and I would like it to be retained.

Mr. N.N. Mbile (Kumba North -West): Mr. Chairman, I am very sorry to rise again to draw the Attorney-General's attention to the point I made earlier. Let me be practical. Supposing a doctor was living in Bansa, as the Hon. Sam Mofor has very ably cited, and he wrote a report and he had it in his bag, and he was riding to Bamenda. He had a motor accident, he lost his bag, his car fell over into a stream and the water washed his bag away and he was almost dead, carried away unconscious to a hospital, and this report he wrote was a report which would be very useful in court over possible murder case or manslaughter or something. Now that report would not be there, the doctor is in hospital himself; what would happen is that if he got up he would remember that case very clearly, he would say 'this is what happened, I remember very well' and that report would not be accepted in Court because he had not written it on the day after and because it was written some time after it was not accepted in court and that could hang a man. I would like to get over this technical point where a report cannot be accepted by the court and it would be stated as not being in order and that could influence the course of the case and a man could be hung, merely because we tied him down to the written report which was written but not available, or the report was written a month later. I would ask the Attorney-General on that point.

Dr. E. M. Endeley: I would like to explain. I do not know whether any Government practitioner was consulted when this clause was inserted, but it all comes out of sheer ignorance. What the law requires is that there should be a report written by a doctor who examined any person as soon as he examined that person because a case might arise where this report may be received in evidence. As soon as he examines that person

because a case might arise where this report might be received in evidence at the particular time when the private practitioner examines the person he may not himself be aware that it may lead to a criminal case. In normal case proceedings he makes a case report of what he observes because he has to treat this person, what does he bring, he brings his case report. He doesn't have to write a particular report in anticipation that he may be called by a magistrate later. I think it should be struck out completely. I cannot consider a doctor who examines a patient and no case report of his examination which could be used later in criminal evidence.

The Minister of Co-operatives and Community Development (Mr. J. M. Bokwe): May I make a note of explanation. It is very usual with all people who make reports that certain mistakes arise from time to time when reports or statements are written immediately when the cases are called shortly after that one is liable to the tendency of forgetting a number of things, this is very usual to all who write, experience shows that writing reports after unduly long periods is liable to(*interruption*)..... We feel that the Clause should not be withdrawn.

Mr. P. N. Motomby-Woleta (Victoria South-West): I rise again to commend the amendment to this Honourable House. I would just like to cite a little example that if in the delay of writing a report more facts could come to light. I remember Sir, a particular case where someone is suspected of having died of a poisoning which dilates the pupils. While I do not know the particular poison which does this, but a doctor has written his report to say that man could not have died of that type of poison. It was a few weeks later that it was discovered that the man had an artificial eye. Now which of these reports is more correct?.....(*interruption*)..... It is not conjecture. Mr. Chairman, Sir, if anyone has been reading at all he would agree with me that this is not conjecture. I take exception to this Mr. Chairman, which of these could be more correct, the one written by the doctor on the spot or the one written later when it was discovered that the patient had an artificial eye and could not have died of that poison. So, Mr. Chairman, I want this thing to be considered in the light of the people who have to write reports of the people whom this law has to safeguard. I cited earlier an example where perhaps a report cannot be completed until several days, until more detailed examination had been made so that it is not a good proviso, it doesn't help the doctor himself. He writes what is in his limited scope with the bush hospital available up there.....(*interruption*)..... *Up where?* In Banso! And from the point which Dr. Endeley pointed out earlier which I would like to stress, is it trying to draw a dividing line between the government doctors and private

practitioners. I think this is in itself discriminatory, unless it is incumbent upon Government Doctors who are not better qualified than what are called private medical practitioners. The private medical practitioner is in most cases better qualified than some of the doctors employed in Government Hospitals. A man who calls himself a doctor under British law has gone through his normal course and conduct of his profession. I do not think, Sir, that it is a good proviso; it is discriminatory in that it does not hold that all type of doctor's distinction being only where the doctor happens to be employed. These Private Medical Practitioners are much better than those who are Government Employees, and we want to treat all of them equally, this in itself contravenes the medical code where you can discriminate between doctors because of employment, it is obnoxious to the medical practice itself which brings undue difficulty both to the doctors themselves and to the public which they are purported to..... I commend this amendment to this Honourable House, Mr. Chairman.

Attorney-General (Mr. B. G. Smith): The reason for the proviso is really tied up with Section 215 of the Evidence Ordinance. 'A witness may, while under examination refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the court considers it likely that the transaction was at that time fresh in his memory'.

Now, if I see a motor accident and write a letter to my wife about it saying what happened and then four months later I am called into court it would be quite proper for me to go to my wife and say let me have that letter that I wrote and refresh my memory from what I wrote on that day of the accident itself. What I cannot do is when I get served with a summons three months after the accident has happened sit down and write out a nice little story of what happened and then go into the witness box and read out what I wrote three months later. I am only allowed to refresh my memory from something which I wrote within a reasonable time of the occurrence of the particular incident and that is what is being tied up here with this proviso prescribing a reasonable period.

The Premier (Mr. J. N. Foncha): Mr. Chairman, Sir, the point quoted by the Attorney-General as a medical man I understand him as a medical man to mean that it is incumbent on the medical man after having been called in to make his report, almost immediately because after the examination the next thing he does is to carry his motor car and ride off. But to sit down somewhere and write out what he has seen. Well it is now understood that the purpose for his being called for the examination is to

produce a report; but to make sure that it is not merely a matter left at large for him to go and then think about it, to make sure he has got to produce that report as quickly as possible. Mr. Mbile has said the importance of delaying action. This amendment as a matter of fact seeks to make it incumbent on the doctor to do it. Because I think doctors are responsible for the lives of people. So when it is necessary for him to have his report he need not give himself any extra time than it is necessary that day. Well, we all know what a week or a month in a major case may produce. The doctor might, if he has not already produced his report, be influenced by happenings in the local. It is one which is meant to the doctor to produce a result which is fresh in his mind, not something which he has to think about. As a matter of fact, it should be incumbent on the doctor after having examined to sit down in the same year and then produce his result and if it were possible, to get it submitted in his own hand writing. So I think, while I sympathise with the members of the Opposition for the way that doctors.....

Dr. Endeley: It does not affect us.

The Premier: Well, I sympathize when doctors have been stranded in the Courts. At the same time I feel that once they have been given an important duty such as an examination, they should be able to produce a report at once. I feel that the amendment is in order. It is possible to force the medical men to be aware of their duties and to produce their reports within a day.

Mr. S. E. Ncha (Mamfe East): Mr. Chairman, we are speaking out of experience with Law. At times it causes more harm than good. I know of a case in Mamfe when there were many people in the hospital awaiting an operation, but after the first section of the day the doctor operating became sick and did not return. He remained in the hospital about a week and the doctor did not recover, but wanted fees and the doctor did not write the report on this. In this case something happened. What would be the situation? A doctor is expected to give notes on what he does, it is important that he is doing his report immediately. If he is called away accidentally by illness or any other thing, a man can be punished unfairly as I have already pointed out. So if it is right that a doctor can make a report as quickly as possible it will solve the situation.

Mr. P. N. Motomby-Woleta (Victoria South-West): Mr. Chairman, Sir, just this one little point more. If Section 215 of the Evidence Ordinance provides that anyone giving evidence would be required to refer to notes which were written as near the occurrence of the accident as possible could be tendered in Court, I cannot see any reason for this particular

proviso to be repeated in a section for doctors in this Bill. I am assuming that it would cover a traffic Policeman, as well, as, Section 215 of the evidence Ordinance would require that the traffic Policeman referred to notes which he took as near as possible to the time of the accident.

Attorney-General: It does.

Mr. Motomby-Woleta: Well, if it does, why do you write it here for doctors who are not Government doctors. This is the discrimination of this Law that I do not like. Section 215 of the Evidence Ordinance covers every class of report from every class of person giving evidence in Court. If I am right, then it is unnecessary to spell it out in a proviso for medical men who are Government employees, or does this proviso also affect doctors in Government service as it spells out in every section of the Law. The fundamental question I want to be considered, brushing aside this amendment, Mr. Chairman, if Attorney-General, if it is acceptable to him, I think we can all agree to insert an amendment saying provided that such a report purports to have been written within a reasonable time following that on which the examination was made by such a medical practitioner, that will be acceptable to everybody; and certainly in view of the fact that doctors the world over are men of every high professional repute, I think it is unnecessary. This little point, I am sure if Mr. Attorney-General would agree I can seek leave to amend my amendment to read ‘provided that such a report purports to have been written within a reasonable time following that on which the examination was made by such a medical practitioner’ That will be admirable.

Mr. S. Moffor (Bamenda Central East): Mr. Chairman, Sir, I feel the Premier has cleared certain things. Mr. Chairman, I just want to express certain views which my Honourable colleague said about operations. Any Medical Officer performing his normal duties, operating I mean, I do not think the case of an operation can be tendered as evidence. We are talking of the case of somebody and it is required by the Court that we can just have the medical Officer to submit the report next day and that has been somewhat confusing during the course of our debates. I feel that the Medical Officers should be aware of the fact that cases requiring evidence in the Court are of a more important nature, so that the Magistrate has the case taken, a lazy Magistrate takes several days.

Mr. Chairman: I think Honourable Members that this has been going on for some time. Members have expressed their views.

The Attorney-General: On a point of explanation. Section 215 is general application and refers to witnesses actually in the witness box. He may only refresh his memory from something which he wrote at the time of the transaction, or so soon afterwards that the court considers it likely the transaction is fresh in his memory. That is the general application that we are dealing with here. Not a question of the doctor in the witness box, not dealing with a doctor who is not here at all, but a certificate which he wrote. The proposal contained here is that the Court will accept a certificate written on the day of his examination or the day after. I would like to add that a reason for prescribing the one or two days is that one cannot be certain that one will have professional magistrates. In fact one does not always have professional magistrates, and if you are getting people who merely sit as magistrates there is a danger of them taking certificates that are about two months old. As I have said I personally have no strong feelings on it but I am of the opinion that this is a safety clause and, on balance, one which should remain. *The Amendment proposes*— That the orders after examination in clause two of the Bill should be deleted.

Question put and the House divided.

AYES—13

Dr. E. M. L. Endeley

Mr. N. N. Mbile

Rev. D. Y. Nyanganji

Mr. V. T. Lainjo

Mr. J. M. Nasako

Mr. P. N. Motomby-Woleta

Mr. J. M. Boja

Mr. S. E. Ncha

Mr. S. N. Tamfu

Rev. J. C. Kangsen

Mr. J. Nsame

Mr. F. N. Ajebe-Sone

Rev. S. Ando Seh

NOES—16

The Premier

Minister of Commerce and Industries

Minister of Social Service

Minister of Natural Resources

Minister of Works and Transport

Minister of Co-operatives and Community Development

Minister of State

Mr. J. H. Nganji

Mr. D. M. Frambo

Mr. S. Moffo

Mr. S. N. Nji

Mr. M. Monono

Mr. W. S. Fonyonga

Mrs. J. N. Mua

The Deputy Commissioner

The Attorney-General

Mr. Speaker: I therefore formally declare that the noes have it...(Hear, hear)...Laughter

The House will now suspend for 15 minutes.

Sitting suspended at 11.35 a.m.

Sitting resumed at 11.55 a.m.

Clause 2 agreed to.

Clause 3 agreed to.

Bill to be reported.

(Mr. Speaker resumed the Chair)

The Attorney-General: Mr. Speaker, Sir, I beg to report that a Bill for a law further to amend the Evidence Ordinance and the Criminal Procedure Ordinance in respect of the evidence of Qualified Medical Practitioners has been considered in Committee and passed without amendment. I beg to move that the Bill be now read for a Third time and passed.

Question put and agreed.

The Criminal Code (Amendment) Bill, 1961—Second Reading

The Attorney-General (Mr. B. G. Smith): Mr. Speaker, Sir, I beg to move that a Bill for a law further to amend the Criminal Code be read the second time. Mr. Speaker, Sir, this rather complicated new section of the Criminal Code proposes increased penalties for the unlawful possession of arms, ammunition and explosives. The present maximum penalties are under the Fire Arms Ordinance and are a fine of 200 pounds or 12 months imprisonment or both. The proposal here is that the High Court, that is the Court of the judge should have power to imprison for ten years, for a term not exceeding ten years and the magistrate's Court for a term not exceeding two years. I will just, at the beginning, deal rather briefly with the reasons for prescribing those two terms. It is quite obvious that not everybody who is found in unlawful possession of arms is likely to be sent to imprisonment for more than two years and is obviously undesirable in the interests of speedy justice that everybody should automatically have to be treated before the High court, therefore a provision has been made to enable Magistrates to award terms of imprisonment not exceeding two years, the more serious cases will go to High court where he will have power to give up to ten years imprisonment. Now the person whom this new section is intended to punish is primarily the terrorist who has his arms for subversive purposes and it is also intended to punish for persons who may be in possession of arms for the purpose of committing robbery or some such crime. It is not intended to invoke this particular section to punish a person who, for instance, has forgotten to license a short-term; through strictly speaking he probably could be charge under this particular

section. It is intended primarily for the terrorists. Now I would like to run through the provisions and try to explain how the whole thing is knit together.

Now starting off with the proposed sub-section 1, it says, 'Any person who without lawful excuse the onus of which shall be on such person carries or has on such person or under his control any arms without lawful authority for them shall be guilty of such offence'.

Now, to commit an offence you must be carrying the arms without lawful authority and without lawful excuse. Lawful authority is defined in subsection (20) which sets out the people who have lawful authority to carry arms. There are first of all in paragraph (a) officials whom you will find described in sub-section (6) as any Police Officer or any member of Her Majesty's Forces. So, first of all, all officers, that is, Policemen and members of the Armed Forces, have lawful authority for carrying arms, and, secondly, persons duly licensed have lawful authority and, thirdly, any person who has been specially accepted, either by the Officer-in-charge of police Proven or generally by the Commissioner of Police by notification in the *Gazette*. Then all those are subject to the proviso that you cannot claim to have lawful authority if you are carrying your arms for an unlawful purpose or carrying it in a manner prejudicial to public safety or maintenance of public order. Suppose, for instance—I am not for one moment suggesting that it is going to happen—that a person with a property licensed shot-gun suddenly decided to become a terrorist and he carried that arm for the use of being a terrorist. It is not use for him saying 'I have got a license'. He would have to prove that he was not carrying the gun in a manner prejudicial to public safety or the maintenance of public order. If you have got a gun you have first of all got to have unlawful authority for it or be exempt from having a license. Now, at the same time if you claim that you have not any excuse for carrying the gun, then it is up to you to prove that lawful excuse. Now 'lawful excuse' you see defined in sub-section (3): 'A person shall deemed to have lawful excuse for the purpose of this section only if he proves (a) that he acquired such arms, ammunition or explosive in a lawful manner and for a purpose; and (b) that he has not at any time while carrying or having in his possession or under his control such arms, ammunition or explosive, acted in a manner prejudicial to public safety or the maintenance of public order'. That means to say that suppose you find a man living in the jungle, in the bush, and he has buried in his hut a rifle, it is no use for him to say that 'I was once a terrorist but I gave up being a terrorist three months ago and I'm now a law abiding citizen and I am not in possession of this particular rifle, I gave that up a long time ago' because in order to have a lawful excuse for its possession he must be able to prove to the court that he acquired that

rifle in a lawful manner and that all the time that he has had it he has not at any time acted prejudicially to public safety or the maintenance of public order.

How, then, would one of these cases proceed? Suppose a police patrol is carrying out a patrol through the bush. They find a man with a short gun, with an unlicensed short gun and he can give no reasonable explanation of what he is doing in that particular place and at that particular time. He could be charged and brought before the Court and it would be shown that he was a person without lawful authority in possession of a gun, and it will then be for him to prove to the Court (and by 'prove' one does not mean satisfy the Court in the sense that the prosecution making out the criminal case, but proof showing on a balance of probability) proving to the Court that he had a lawful excuse for carrying it, and in showing that he had a lawful excuse for carrying he should have to show how he required the arms and show he had never used them in a manner prejudicial to the public safety or maintenance of public order.

To a certain extent one can criticize this provision in the provisions of this new section because it does throw a certain amount of onus of proof on the accused person. Now the usual provision with regard to criminal law is that the prosecution is made to prove everything, that is usual, but there is a big exception with regards to that is, that anything that is within the personal knowledge of an accused person is something which he cannot prove himself, anything that is within his personal knowledge and the question of a lawful excuse is within his personal knowledge and so the onus of proof passes to the accused. The moment that the prosecution has proved that the accused person had no lawful authority to carry the gun, as soon as the prosecution has proved that the accused has no authority at that moment the onus passes over the accused person for him to prove that he had a lawful excuse.

Now suppose I am walking along and I find a rifle discarded in the bush, I pick that rifle up and I say I will take this to the Police Station I am stopped by a Police Constable who says you are carrying a gun show me your authority for carrying it. I say to him I found this gun in the bush I am taking it to the Police Station. Well, the Police may carry out their enquiries and if they do not believe me I can then be charged in court and all that the prosecution would have to do in order that I be called upon to answer a case is to say that I have no lawful authority to carry that particular gun, all that they would have to prove was that I am not an officer that I have not got a license and that I was not a person exempted and from that moment the onus would pass to me to prove to the Court that I had acquired that arm for a lawful purpose, namely that I picked it up to take it to the Police Station and also that I had not at any time tried to act in a

manner prejudicial to the Public Safety or the maintenance of public order. Now the reason for the insertion of that particular provision is that when you are dealing with terrorists the terrorist when he is being chased, a thing that he will very often do is that he is in possession of a gun and that he's being chased if he gets away and then he is likely to be caught he will very often go into a Police Station and say I have come to surrender my rifle, I am surrendering for a lawful purpose, but that would not be quite enough, it would be necessary for him at the same time to prove that he had never at any time acted in a manner prejudicial to the public safety or the maintenance of public order. Now, as I have said, Mr. Speaker, Sir, these are rather complicated on the face of them but I think when you consider them the provisions are quite reasonable and logical. The whole section is very tightly sewn up and the reason that it is tightly sewn up is that it has been up to the Judicial Committee of the Privy Council about three times and is now absolutely water-tight. It is a measure under which the innocent have nothing to fear but from which the terrorists have much to fear.

Mr. Speaker, Sir, I beg to move.

The Minister of Social Services (Mr. A. N. Jua): I beg to second.

Question Proposed.

Mr. N. N. Mbile (Kumba North-West): Mr. Speaker, Sir, I rise to make a few observations on this Bill. Right away I speak on a point which the Attorney-general has himself mentioned, namely, the question of onus of proof lying with not as is usual with the prosecution but with the person who has been charged. I listened very carefully, Mr. Speaker, to his reason for this departure, from what I regard as a very basic and very fundamental aspect of the British legal system which we have inherited and which we intend to keep. Anything within his personal knowledge should be for the man himself to prove, I am sure, Sir, that anything within his personal knowledge covers virtually anything for which people are charged and brought to court and I am not satisfied at all in fact with this exception. If anybody, Sir, wanted to put his enemy in trouble all he is going to do is possibly to push a weapon or any of these things into his house and run and say I know that man has or send some information about that person and right away, Sir, you are going to be confronted with proving something you don't even know how to start proving, and I do not see that it would be proper for us merely because we are chasing terrorists to reverse the law to the point where innocent people might suffer. I do not see the reason for reversing this at all. In other words, the

moment that you are seen with a gun, or a gun is found in your house and you are said to be the man who possesses the gun or these things in your house it is you who must prove that you are not guilty. I must say that there must be a reciprocity in practice as the Attorney-General has said whilst he was speaking. The Courts should listen to the police prosecution how they found it, why they think you have had that gun for an unlawful or improper use a purpose of prejudicial to the public safety and let them prove their case. Then naturally the Judge or Magistrate would listen to you for your own defence in the proper way in the normal way the prosecution closing and the defence opening. Mr. Speaker, Sir, I feel that that this is a very critical time. Critical not only in the sense of direction of thought of the Attorney-General and the law makers namely to find what ways and means there are to make sure that we battle against terrorists and other possible law breakers but critical in my own sense too that this is a transitional period when we might very well in the haste to punish we might introduce a lawless system, we might introduce precedents which might be very difficult to destroy, they will grow and grow and in almost every other case there will be an excuse for or you must prove in the case of arms this is also serious, you must prove that you are not guilty and before we know, Mr. Speaker, we shall have completely turned round and it will be that a man accused, quite often an innocent man who must prove that he is not guilty, the police will just sit down and ask him to prove. I do not think there is an exception in this case. I am all for tightening these things and making sure that people do not carry arms without lawful authority and so on, I am all for this Bill. I do not agreed with the object projected by the Attorney-General for the exception that now it would be the question of proving the people living with the accused. Sir, I think that up to this moment and I would be very happy to see it carried on forever that a man should be considered innocent until he is proved guilty. It is not when a gun is seen with a man that he is guilty. It is when the judge or the magistrate passes a guilty sentence on a man, it is that moment that the man is guilty, not when a gun is seen with a man then he is regarded guilty. Up to that moment a man should be regarded innocent even if he is carrying a gun. I am sorry I did not mean to go to that example; it wouldn't be right if a man carries a ton of explosive. It will show that it could be no proper. This is a very dangerous thing. It is still up to the police to prove that, that man was guilty up to that moment the man is innocent. So I think, Sir, we would like to stand by our existing law that the man up to the moment is proven guilty is innocent.

The Attorney-General (Mr. B. G. Smith): Mr. Speaker, Sir, I hope I can satisfy the Honourable Member. That we are not departing from the basic principles of the English Law of the duty of the prosecutor to prove the guilty of the accused. Now, before the accused is called upon by the judge to answer a case, the prosecutor will have to prove first of all that the accused was in possession of arms, ammunition or explosive. He got to prove that first of all. The second thing he got to prove is that he was not in possession of it with lawful authority, that is to say, the Police Officer will prove that he did not have license for the gun or prove that he was not a member of the class of persons exempted: Paragraph 3 of subsection 2. Now once he proves that, the court would have to say yes there is a case for you to answer. And you have got to satisfy this court that you have a lawful excuse for having that gun even though you were not a police officer, even though you hadn't a license for it and even though you were not an exempted person. Now a lawful excuse is something which when any fact is especially within the knowledge of any person the burden of proving that fact is upon him: Section 141 of the Evidence Ordinance.

Now suppose you want to charge a police man with unlawful possession of arms, you would prove first that he was a Police Officer. It will then be the duty of the police, in respect of a police officer, to prove that he had it in his possession or under his control. When the person has got a licensed gun in his hand then it is the part of the prosecutor to prove that he has acted in a manner prejudicially to public order. On the other hand, when a man has got an unlicensed gun then there arises the presumption that he has acted prejudicially to public order and its only at that point that the accused can prove that he has never acted prejudicially to public order at any time, no right to carrying a gun and at that moment the onus passes to him. On the other hand, it is up to the prosecutor to prove that he has acted prejudicially to public order.

Mr. Speaker, Sir, I beg to move.

Question put and agreed to.

Bill accordingly read a second time and committed to the Committee of the whole House.

HOUSE IN COMMITTEE

Clause 1 agreed to.

Clause 2.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman Sir, I rise to make observations on the Clause 2, subsection 2 (c). Any person exempted from the definition of this section by an officer in charge of the police or is a member of any persons or exempted by the Commissioner, should, be placed under arrest. If I were to put this methodically I would first of all, Mr. Chairman, say what normally obtains in the Southern Cameroons. It is true, as you say, here, that we feel the definition of arms cover other things like cap guns, flint guns and so on. All over the country, Sir, by tradition or practice a lot of people, hunters, and other classes of persons, do keep in their possession dane-guns, flint guns, and to my knowledge, Sir, there is no such thing like their being likely to be exempted. Or persons authorized to hold or be in possession of such things like dane-guns and flint guns. The passage of this Law, that exemption be made would, in my understanding, automatically implicated the holders of the dane-guns, cap guns and flint. It is on this, Sir, that I would like to have the Legal Secretary's definition as to whether the Government has organized a system of getting these people covered by that exemption referred to in (c) here, or whether they are open to danger under that law.

The Minister of Finance (Mr. S. T. Muna): Mr. Chairman, Sir before the Attorney-General leads the legal explanation, I should like to make common sense when we talk of arms. We can produce such definition, but you find people armed with stones. I know you can use stones in killing somebody. We also talk of using sticks and so on. There are all sorts of things but I won't go into details. We have to define in the law what the Attorney-General explained here. I think the onus of proof in the first instance lies with the prosecutor, he has to see the type of arm and whether it is the one that should be licensed, examine the circumstances during which such a person was carrying the arms; all these basic factors which will make the Prosecutor take legal steps. But I think any Prosecutor or Police Officer being fully aware that any arms like cutlasses, arrows, swords, dane guns, flint guns, and so on gets indiscriminately into a village, sets himself arresting all men; such an officer would not be doing his job judiciously because I think there is a great deal of common sense which is necessary in exercising this law.

The Attorney-General: I apologise for that short delay. The reason is that at the moment in so far as dane- guns, flint-lock guns and cap guns, all being unrifled and muzzle loading, they are not licensed at all. Anyone can have a dane-gun, there is no need for it be licensed. Anyone, *pram facie* who has a dane-gun is in lawful possession of it, and therefore if you find a man deep in the bush with a dane-gun in order to make a *prima facie*

case against him you would have to say *prima facie* that he was acting prejudicially to public order. It would not be enough just to say 'X you have got a dane-gun. Now prove you have never used it to the prejudice of public order'. Under the former Ordinance the Commissioner of Police is empowered to order the licensing of dane-gun etc. He has not order the licensing of dane-guns, so the position of a dane-gun, flint-lock gun or a cao gun, provided it is a muzzle loader, is lawful.

Mr. N. N. Mbile: Is a cap gun in order?

The Attorney-General: I am merely reading this, here. The principle is that it is a muzzle loader and not a breech loader and it is to be noted that it does not extend to little pistols even if they are very little pistols, dane-guns or cap guns, all being muzzle loading. The position at the moment is that dane-guns etc. as I have just read out the possession of those by anybody is *prima facie* lawful and the person will not be called upon to answer any case unless it can be proved that while in possession he was acting in a manner prejudicial to public safety or law and order. Now, if a man found wandering deep in the bush with a dane-gun in an area where terrorists are known to be operating who can give no explanation as to why he is there, whose home town is a very long way away. Well, he may be right, he may be wrong, but if I were a Magistrate and those facts were given I would have said that there was *prima facie* evidence that he was up to no good wandering round the jungle at that time and I would call upon him to answer a case because I would say that the Police had proved sufficient circumstances that if I may quote Section 148 of the Evidence Ordinance 'I would presume the assistance of a fact the event and human conduct'. It would be by application of that one could call upon him to accept a case. But you have not got to go further than, Sir, just having dane-gun. It must be that his conduct was prejudicial to public safety or the maintenance of public order and I hope my Honourable friends opposite are satisfied with that explanation.

Mr. N. N. Mbile (Kumba North-West): Mr. Chairman, I think that quite often while discussing, I think we are allowed to talk on other matters which would be very useful. The Attorney-General has informed the House that muzzle loading guns like dane- and cap guns are not licensable. I do not know, but I am aware that in my Division people are buying licenses for dane-guns and cap guns for one pound. If it is discontinued I would be very surprise.

The Attorney-General: Mr. Chairman, on a point of explanation, Sir, it says that the Commissioner of Police with the consent of the Commissioner may prohibit the possession and control of any firearms under part 111 of

the schedule without the license of any such order. It may be that an order has been made in that Division that a cap gun should be licensed. If my Honourable friend will give me the particulars I will most certainly have the matter enquire into and it would appear that license fees have been collected they have been paid under a mistaken law and are therefore not recoverable.

Mr. N. N. Mbile (Kumba North-West): I am very grateful because it may be a general error along and it may be that people are paying fees they ought not to.

The Attorney-General: So far as I am aware no order has been made in respect of dane-guns but one can always be mistaken. That is the law. Dane guns and cap guns all being unrifled muzzles can be carried without a license unless a specific order has been made in a particular area that they shall be licensed.

The Premier (Mr. J. N. Foncha): Mr. Chairman, Sir, just to elucidate the explanation of the Attorney-General, I think this is a topic of general interest for members to be satisfied that the law being an amendment is for the best interests of the territory. The Attorney-General, in introducing the Bill made it clear that it is meant for the terrorists and in order to check up who they are. All the Southern Cameroons people are known to be carrying these flint guns and they keep them in their houses. In order to be able to detect a person in an area for being in unlawful possession of firearms it would be necessary for a declaration to be made about that area that nobody may carry firearms of any sort. Now if that declaration is made by the Government then anybody who carries any arms, including the dane-gun itself, it should be considered as such firearms are as prohibited at that time. But after the areas has been declared a free area again then people can carry their dane guns for hunting etc., so it will not be illegal for people to keep these guns except in an area which has been so declared. Of course, in an area not declared if people were being chased and caught in a village of such an area then it is proved afterwards that he has been hiding in the bush for unlawful purposes, then he should be prosecuted for being in unlawful possession of arms. If it is proved that the gun belongs to him he must be using it for a purpose prejudicial to the safety of the people. I just want to be sure that when these amendments are passed people will not be prosecuted for carrying their guns about. Also, the fear that an enemy may bring in firearms to keep in a person's house and someone will make a report to the Police. Surely such a report must have been made for one article or the order. But if somebody were to go and make a report to the Police that he found firearms in a person's house then the Police would go and find them and there must be something

that man is worried about. If he were a member of your own family or your own friend it would be very unlikely that he would betray you in that way. If he does there must be some way in which you can help yourself. You knew nothing about the arms. It would be difficult for you to prove that he brought arms himself and kept the firearms in your house. I am sure the English code would not be so foolish again now just to believe that somebody who has been accused of carrying unlawful arms would have been guilty of such a crime immediately.

I think with Attorney-General that everything put in here is well considered for the safety of the people and the precautions will be taken by the Magistrates, to see that somebody is given the appropriate opportunity to exculpate himself.

I beg to support.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, on this Bill I have a small amendment to propose under sub-section (4) of clause 2 of the Bill. Under sub-section (4), Sir, the amendment I have to make to this is that the words 'shall not' in the second line of that subsection be deleted and the word 'may' substituted, then the subsection will read as follows: the person charged with an offence against this section may be granted bail'. The reason for this amendment, Sir, is to clear out what appears to me to be this: first, we are making this law not purposely to apply the law to the terrorist, because there is nothing in the law which suggests here that only terrorist shall be subjected to the penalty of the law. Anybody, not only terrorists will be guilty of an offence and it would be very misleading to ask you straight-away that this law could apply only to terrorists. For that reason, Mr. Chairman, the purpose of my amendment is therefore to equalize this law, or other laws; that is, if for any other offence people may be granted bail with the discretion of the Magistrate, why should it be this particular case that people should not be granted bail at all?

It would be more acceptable to me if the words 'shall not' were replaced by the word 'may' so that in the case of people being charged with offences against this section it would be up to the magistrate concerned by this his own discretion to say whether the circumstances were such that the offender or the person charged should be granted bail or whether they are such that he should be granted bail. If we close out the way to bail entirely for any person found guilty of this section, it would be very unfair and therefore it is for that reason I am suggesting that sub-section (4) be amended and the amendment would be deleting the words 'shall not' and substituting those words by one word 'may'.

Sir, I beg to move.

Mr. N. N. Mbile (Kumba North-West): I beg to second the amendment. And I want to make a few observations in support of the amendment. As I said earlier, in our anxiety to make provision for hunting down terrorists we might be laying traps for honest men. What we should be very careful of here is not to be dragged into digging pits for honest men thinking we are hunting terrorists.

As a matter of fact I was conversing only a few days ago with somebody, and I was given a tentative figure of the members of people who have died since the hostilities began in the Cameroon Republic and I was informed that as a matter of fact only a percentage of those people are in fact terrorists. Very many honest people have died out of mistakes, out of anxiety, out of haste. Now, this is a very tricky law. If we are making an emergency regulation or an emergency law specifically for terrorists, an anti-terrorist, let there be a plain law in this intent. But as my colleague has very clearly put it, it is a normal law being amended for everybody. It says nothing about terrorists. This law can be used against any of us. A man can come and place a gun in your nicker and stealthily give the information to the Police that you are in possession of unlawful arms and you would be arrested and they may be no bail because the law definitely ties down the Police and they cannot grant you bail and it doesn't matter who you are. It may jolly well be a genuine mistake, you may be a responsible man in the community who ought not to be refused bail on a case like that, but the law will tie the hands of the Police or the court, you cannot be granted bail. It may take five years it may take two years to finish your case. You may go up to the highest court in the land. You will be in prison all the along.

I think Sir, that this is most improper and I would support the point which Hon. Mr. Lainjo has made namely that the present law provides fully that the Police and the magistrates as responsible people as interpreters of the law have discretion of granting bail or not granting bail and that discretion should continue in this law as in other laws.

If we are saying that you get a terrorist—a terrorist of course should not be granted bail—we should say 'a terrorist, yes a terrorist should not be granted bail' but certainly this law is not being spelt out here for terrorists, it is for everyone of us, even those of us sitting within the walls of this chamber. And it puts it very strongly Mr. Chairman, that if we accept this amendment the spirit of the law will stand and we would make sure that we allow the Police and Magistrates to use their discretion to grant or not to grant bail.

Mr. Speaker: Order, the amendment proposed, that under sub-section 4 of Section 2 of clause 2 the words ‘shall not’ be deleted and the word ‘may’ instead.

The Attorney-General: On a point of order, will there not be a debate on the Amendment which has been proposed and seconded.

The Premier: Mr. Speaker, Sir, I think that question need not to be put but that we hear from the Attorney-General.

Mr. Speaker: I regret that is out of order.

The Question—“That the Clause amended now stand part of the Bill, put and agreed to.

Amendment put and agreed to.

Clauses one and two agreed to

Sitting suspended at 1.00 p.m.

Sitting resumed at 3.00 p.m.

Bill to be reported.

(Speaker resumed the Chair)

The Attorney-General (Mr. B. G. Smith) I wish to report that a Bill for a law further to amend the Criminal Code has been considered in committee and passed to the House.

I beg to move that the Bill be read for a third time and passed.

The Minister of Social Services (Mr. A. N. Jua): I beg to second.

Question put and agreed to.

Bill accordingly read the Third time and passed

The Labour Code Amendment Law, 1961—Second Reading

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, I beg to move that a Bill for a law to amend the Labour Code Ordinance be read a second time.

Sir, Honourable Members who took part in the Nigerian Constitutional Conference of 1958 will remember that considerable discussion took place on an item of the Agenda called the 'Check-off' system. That was an attempt to write in the Nigerian Constitution the Amendment of the Labour Code Ordinance which empowered the employer of labour to subtract the wages of employees and pay into the Trade Union of the employee. It was a real long debate indeed and it has its cons and pros but it was noted. The Labour code Amendment Bill since it introduced the system of 'Check-off' is a means by which Government will authorize a Trade Union capable of receiving part of its monthly due by subtraction. This is a new system which is being introduced in many parts of Africa. Since 1958 the law has not been brought into force but early this year the Federation of Nigeria having taken the cons and pros decided to put it into effect and that has been done. It is to be noted that Government should be interested in the welfare of Trade Unions. The Amendment is merely an addition and not in any way a subtraction. Hitherto the Labour Code Ordinance leaves no room by which an employer may take a penny from his employees' wages without permission, this amendment will make it possible for the Minister in charge of labour to authorize the Trade Union of the employee to deduct monthly a part of the wages of labourer and pay it into the funds of the Trade Union. Before this is done conditions have got to be fulfilled. The Minister in charge has got to satisfy himself that the purpose for which the fund will be used will be for the best interest of the Trade Union concerned and the general welfare of labour.

Again before the subtraction is totally carried out, each member of the trade union has got to give his consent otherwise no penny may be subtracted from his wages. Sir, this is merely an authority which government has created. It may be ask why government is particularly interested in enacting this law. It is because the welfare of labour in any democratic country is something which does concern the government. The economy of a territory can only grow rapidly and more stable by a well organized labour force. A labour force can only be organized when it comes together and forms itself into a trade union. Generally, officers of the trade union are never paid in full because sometimes the officers find great difficulty in collecting dues. Members of the trade union can give a written authority to their employers that their dues may be subtracted monthly. If this is done, it will eliminate some of the causes of the troubles with trade unions and their employees. A well run and organized trade union is an asset to the country. Because apart from the labour that is got from the labour union, government will profit a lot if trade unions in the territory are well run. Sir, I beg to move.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna):
Mr. Speaker, Sir,
I beg to second.

Mr. N. N. Mbile (Kumba North-West): Mr. Speaker, Sir, this bill has the support of this side of the house in full. Indeed as the Premier has pointed out it has been difficult for years for trade unions to run to get contributions from workers without first agitating strikes. I myself as a President for years I have been a trade unionist myself, and we found that whenever there was no strike around the members thought there is no trade union, and so there was no purpose making contributions. And if we had secretaries to pay, it was difficult to run without some agitation around and so indeed as we all know it became a constant practice that when you were almost running out you had to start some agitation in order to get workers to pay dues. In fact this check off system will help a great deal in removing this difficulty. For years there was reluctance on the part of Government to go ahead in this idea. Indeed as we all know the Nigerian Federal Government has gone ahead in this matter and the check off system has been introduced and it is only very proper that it is being brought up at this time so that our workers could have this means of raising quick revenue for running their organization. I do not agree with the point made by the mover of this motion that the worker must give his consent in writing. I think that once a man has accepted the full implication of that membership, one of them is that he has by implication accepted to pay his membership regularly. If he resigns membership, then, of course, at that stage one does not need to deduct his money. I think it would be an extra burden, if I may say so, on the part of the administration that members should give written consent. The difficulty of this policy is that labourers are very whimsical. They can start off very well with great enthusiasm in support of a trade union and all of a sudden somebody goes and tells them some new story and they just turn round and say we don't want to sign this thing, we are no longer members and this could wreck the union. I think once a man has accepted and while he retains his membership that should be accepted as his consent. If, of course he resigns the membership, then he is no longer bound. If a union is recognized, as the mover of the motion has said, under this law and secondly recognized by the Trade Union Ordinance, that union is covered. If it contravenes, then, of course, it is not a trade union.

I say, Sir, that there is a note of warning I would like to sound. There is the likelihood of abuse. There could be grave abuse now that forms will be available to the Trade Unions. The Trade Unions will be turned into instruments to serve certain individuals or to serve certain groups, and it

is very important that we should make very responsible people help these Unions so that they can channel their resolutions in the right way. As far as this side of the House is concerned, it is whole-heartedly in support of this Bill, with the spirit of this Bill and the principle of this Bill and we commend it to this House.

I beg to support the Bill, Mr. Speaker.

Question put and agreed to

Bill accordingly read a second time and committed to the committee of the whole House.

HOUSE IN COMMITTEE

Clause I agreed to

Question Proposed—“That Clause 2 stand part of the Bill’.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, Sir, I rise on a little point of definition and I think the mover of this motion has claimed a point. It concerns sub-section two of Clause two of the Bill. Under Sub-section two, Sir, it is stated that if the Minister is satisfied that a reasonable proportion of all contributions of the worker paid to a to a trade union in accordance with sub-section one, will be devoted to schemes which in the opinion of the Minister are of benefit to the worker, The Minister may by order approve the trade unions for the purpose of sub-section one. The principle of the Bill, that is the check-off system, the mover of the motion in explaining the check-off system did not explain that sub-section and I cannot understand how the Minister who belongs to a category of employer should be involved up to the extent of deciding what the fund of the trade unions should be used for. I would have normally thought, Sir, that a trade union is an independent organization and prescribes its rules for managing its own affairs, and also its own rules for managing its finances and surely if there was a need for that union to use its funds for any particular purpose, it will normally be by resolution of that trade union. I find myself at a loss to understand how it should be the Minister to say what schemes are good for the trade union. Again, Sir, while sub-section one says that the deduction shall be done with the consent of the worker, sub-section two says what should be done with money. It does not say whether it should be with the consent of worker or without. It implies, therefore, that the worker will be asked to allow his money to be deducted and put into the funds of the union and that money

may be used for something that the worker does not like, or does like. At that stage, as the law implies, the worker won't even be consulted and it is certain that I would like an explanation of sub-section two.

Mr. N. N. Mbile (Kumba North-West): Mr. Chairman, Sir, I think that the sub-section definitely is unfortunate because the spirit behind the idea of trade unions is to regard a trade union as a body, a corporate body, an independent organization off Government control. Government itself quite often is an employer. One of the things we value is to be the independent of the employer. Therefore this particular section negatives the very independence of the trade unions. It is improper—certainly it is improper, Sir—for the Minister to be satisfied. It is not for the Minister, it is for the trade union itself, which is the independent organization. It has its own executive body, it has its general meeting, it has its regular annual meetings and so it is a full organization. Now it will be improper for us to tie the union to this point if we allow the union to make these deductions and we turn round to say that it is the Minister who shall be satisfied with the reasonable proportion of all contributions of the worker paid in accordance with sub-section one, will be devoted to schemes which, in the opinion of the Minister, are of benefit to the worker. The Minister may by order approve the trade union for the purpose of sub-section one. In other words, if the Minister is not satisfied in advance because the money shall not have been allocated regularly, the Minister should be satisfied that any benefits should be devoted to such and such. Will it be proper for a Minister to see in the distant future what needs the union will have? When I was speaking earlier on, I supported the principle of this Bill, but certainly, Sir, this particular clause, if it is allowed to stand, would negative the very purpose of the Trade union mechanism. It must be absolutely free to resist, to fight, even Government as an employer, for the protection, for the preservation of peace in the country. Government is an employer of the P.W.D. workers.

For the protection and preservation of peace and so on in a country with Government as an employer. P.W.D. workers, the P. & T. workers are not happy with conditions of service owing to the fact that as Government servants they can apply the weapon seeking, fighting for what they want constitutionally. But if we place a minister in a position where it is he who says 'This item here I don't think will be of interest to workers and not the workers themselves. The Executive Council, the General Manager, those are the bodies who determine what to do with their monies. The Minister should only have a guiding eye on what the Union does and I think that is very amply covered by the Labour Code, by the Trade Union Ordinance. I think this paragraph should be struck out or I think should

be so amended that it is entirely in the hands of the Union to do what they like with their money. If they want to have a feast, for instance, at the yearend we used to buy a cow and beer have a band and dance, but the Minister may not the proper in a mood that day for spending money. He will say, 'Nonsense, this is not the proper way to spend money in this way', He may have his own ideas, but the Union certainly, Sir, is not the same as the Minister. The Minister is one individual and may have his own ideas completely at variance with the ideas of the Union. He may have very contrary views to those of the labourers who work. Mr. Chairman, I would ask the mover of this motion to consider this particular paragraph so that it could be so re-adjusted as not to give the impression it now gives that the worker would not be the master of his body.

Mr. S. Moffor (Bamenda Central): Mr. Chairman, I am very delighted to have seen this Labour Code Amendment before this Honourable House. Here we talk of labour on the understanding we talk of an organization which is to defend and improve the right of workers. However a law is insufficient because we have first of all to make the masses of our people into a real focus and at the same time have to help national economy so as to provide a code for the existing Corporation for those organizations which enjoys them for working men and women. The question: must a Labour organization set out to accomplish all these objectives or should it try to ensure that Government legislation should try and encounter and possibly be a decisive factor in the workers position. There is, indeed, a need for a reform. I wish to refresh the memory of Honourable Members for the Southern Cameroons Times concerning the workers. What I said in there is—I crave your indulgence, of course. We must positively consider the facilities of registered trade unions in the Southern Cameroons. Should such a body be negotiating and should take the form of a Central Body of the Southern Cameroons workers where grievances could be expressed. We must have a trade Union that can help in the building of society and in raising the standard of working people. This Bill has just come up at a time...

Mr. Lainjo: The Honourable member is reading his speech...(laughter)...

Mr. S. Moffor: At a time when the people of Southern Cameroons are entering a new era of political evolution, social necessity is a great enemy of democracy, workers for a democratic state irrespective of the face whether they are called upon to do a job, so the reason and objective of this Bill have been told by the Attorney-General. The object of this Bill is for the Labour code Ordinance. The Minister who has just been quoted

by my Honourable colleague has nothing to do with the objective of this Bill. It is for the worker themselves on behalf of the Trade Union to collect contributions payable to the Union by its workers by deducting from their wages. There is nothing which makes it possible for the Minister to control the deduction. So, Mr. Chairman, I feel that the Bill is quite in order and like other things where we have visited let the strongest trade union organization survive...*(interruptions)*... The principles of each function are being controlled by the Minister. I don't see where a Minister of labour or a Minister of works would go to a Trade Organisation. What they should do is go to the man at the top who is following the principle. Sir, that is one of the few remarks I wish to make, Mr. Chairman.

The Minister of Co-operatives and Community Development (Mr. J. M. Bokwe): Mr. Chairman, I think I will just add to this a note of explanation from my personal experience. When I took over as the first General President of the C.D.C. Workers Union, among workers...*(interruptions)*...The intelligence of worker varies in two intellectual categories. There are the common labourers who have not resign and cannot see beyond their noses, and on the other hand higher intelligence people, perhaps the clerks and other people who have had some better education. Now they all work into an organization as a workers union and at a general meeting they have to elect officials, mostly those who appear to them to be the more responsible type. In order to make some people benefit by the collect amount were all the money paid in by workers is collected by the officials. The officials propound a policy over which they spend their resources and in many cases they may decide to buy a vehicle or a machine or any other things beyond the knowledge of the ordinary workers. Many times workers have been known to have been cheated by the officials and it is only better that with an instruction like that they must be a neutral body to examine and approve expenditure of some type. I therefore feel that this particular section of the Bill, where the Minister must approve a project as being reasonable in the interest of every worker should stand part of the Bill. I would like to oppose the amendment to the Bill which my friend on the opposition side moved. Sir, I beg to oppose the amendment and to support the original bill in entirety.

The Premier (Mr. J. N. Foncha): Mr. Chairman, I rise to clarify a question ably put by the Hon. Members of the House. I understand that a Trade Union has some scheme for the welfare of its members. Well, it is anticipated that the 'check-off' system would bring sufficient sums in the coffers of the Trade Union which happened to be benefiting by this. In any trade union which has not got some schemes for the welfare of its

own workers might not properly be called an organize union. Any trade unionist has something to benefit by its own union. It is an inducement for the trade union which wants to benefit by this scheme to insert some welfare scheme for its workers in view of the fact that it is possible to collect more funds that can be used for payment of wages. As it exists now, we would not blame a trade union if it cannot cater for the welfare of its own members because they have not got the funds; so this is a means by which the application for recognition to do this scheme should include at the same time some welfare scheme for its own workers. If a member of a trade union knows that he has some benefits by paying his dues apart from merely subscribing for the wages then he will not hesitate to pay his dues regularly. He will not hesitate to sign readily for such payment. So afterwards, if anything goes wrong with the funds of such a trade union which are now well organized the ordinary workers can then turn to the Government and say can the Government undertake to look into these funds, we have subscribed monthly and not seen a benefit; surely the Government will come in to help. I think it is rather a safe clause to be inserted, rather than one which will force the trade unions to spend their money one way or the other.

Of course, if there is an unscrupulous body who will like to organize a trade union but would not give the benefits, probably if an application is made and the Minister is satisfied that such money will be coming into the fund then all he has to ask is 'can you include a scheme for the welfare of the workers'? As to the suggestion that everybody who has enrolled is a trade union may not be required to subscribe an agreement for his contribution to be subtracted, I think this will not be proper. I think this will not be proper because a name having been subscribed is somehow an application. It assures the employer that he was doing the right thing. After all, if a member of a trade union feels that he no more likes to subscribe to the trade union he writes to cancel his agreement. It does not bind people. But I think to enable the employer to enforce the payment of these small dues it would be necessary for him to be certain that everyone is in the union. I do not think that in the majority of cases people will resist subscribing their name, but I feel that if they do not subscribed people's wages simply because a secretary gives a list of names. Those names have got to be confirmed one way or the other. So I think that there is nothing in the bill which is not for the welfare of the workers in general. There is the thought that the Minister is trying to direct the use of the union's funds; this is not proper. Rather, he will try to induce the trade union to do something for the welfare of its own members and since Government at any time may be the source for which individual members may resort for right judgment, I think it would be well to remember that if a Minister were to use either his influence or position to stifle such

a union then he would have all the members of such union on his tail. Then he would have all the members of such a union on his throat. They will have the right to reject any such measures which in their opinion are calculated to render the working of the Union impossible and since there is nothing stopping them in doing that it appears to me that there is enough safeguard. It is stated in the Bill that a Minister should satisfy himself that the monies so collected were used for the betterment of the members of the Union. That is quite true and I agree entirely with what my Honourable colleague said a moment ago that unscrupulous leaders of a Trade Union may apply the funds of a Union wrongly. And unless there were somebody outside this Union to act, as it were, as a check to apply the brakes it would be impossible for the funds to be used properly. Let us take an example: A Trade Union, say a Teachers' Union, it has to use the funds not only in paying the officials but it should consider the using of funds to produce periodicals or informative pamphlets or teaching aids say for the use of teachers. This would mean, therefore, that the funds were applied properly and for the well being of that Union. To them I want to emphasize therefore that that it is, in our view, very important that somebody who is not a member of that Union should, as it were, apply his brakes to see that the funds were not used for purposes that were not for the benefit of the Union as a whole. We feel that it is most necessary and we also feel that sufficient safeguards are in the Bill which would make the Union object to any measures which were taken by the Minister such as would make the Union unworkable. We feel, Sir, that there is no reason for any amendment and we hope the members who argued for this may not press that point.

The Leader of the Opposition (Dr. E. M. L. Endeley): Mr. Chairman, I just want to ask a few questions and in doing so I ask the permission of the Honourable the Minister of Cooperatives and Community Development who was first President of the C.D.C. Workers Union. There was a long controversy over this 'Check-off' system and I happened to have seen some of the original files when I was Minister of Labour in Lagos. One of these points which appears to have been missed and which has not been included in this Bill is the question of the co-operation of the employer. It is all well and good trying to control the leaders of the Union on how to use the money but how do you control the employer from not co-operating in cutting up the parts of the salaries of his employees. You must appreciate that it is not all employers who wish their workers to be united in a force which might be used against them and in allowing the Trade Union to grow stronger financially then the employer may be cutting his own throat. They could go on strike. One of

the welfare schemes generally put aside by the Union is to organize a strike fund that will enable the workers to remain long on strike and so paralyze the employers. This brings me to the point which my colleagues have tried to raise on the floor that the Government is an employer, and the Minister of Labour is not exempted, if the Government is in danger of being paralyzed by a Government Trade Union he might use his powers in order to bring the strike to an end in limiting the expenditure of the funds of the Union. Under this clause whereas otherwise under the Registrar of the Trade Unions there is sufficient provision for the Registrar of their Union to check upon the funds of Trade Unions and find out how they have used the money which has been collected each year. They have to submit a full account to satisfy the Registrar that funds have been well used. That is why we are frightened with the little experience we have in Trade Unions, not as extensive as the first President of the C.D.C. Workers' Union, we would think that the limited powers which are being granted to the Ministers to sanction whether the purposes for which the funds collected by this 'Check-off' system are being used in the best interest of the worker's which might be used to detriment of the Trade Union itself. We have not got very many experienced trade Union leaders in this country. We also know there has been abuse of Trade Union Funds, there was an instance in Lagos where one powerful Trade Union had to go and offer burnt sacrifices in order to get their point driven through before the employer and it took Government a long time to find out whether they had any rights under the law to check this leader from using the money for fetish purposes. But, on the other hand, the Union might like to carry out certain measures which are entirely secret within the organization. I have had that experience, the Union might like to do things unknown to the employer and unknown to the Government, why it is only...*(inaudible)*...security. And suppose they go to the Minister and say we are going to know, approve it and spend 500 pounds of our funds for purposes which we don't want you to know, approve it and I will be Minister if you like and yet in order to allow this Union to survive and carry out its normal functions as a collective bargaining body it may be absolutely necessary since they are all agreed to have this money spent in the way they want to spend it unknown to either the Government or the employer. You would realize the danger in what we are trying to point out when you realize that in this territory in particular the biggest employers are the Government and the C.D.C.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, Sir, I had an amendment standing in my name and Sir, I wish to put straight the way I intended the amendment to be. What I would like to have, Sir, is that the Bill should

be read as follows: '27 (a) notwithstanding anything in this Ordinance contained that an employer may with the consent of the worker make deductions from the wages of the workers for the purpose of paying any contributions to a trade union Full-stop. The rest the things should be deleted. That Sir, would be a principle which I am prepared to accept because to all other words, Sir, after 'union' and the whole of sub-section 2 in my view are inconvenient. Sir, they are repugnant to the organization itself. I have never been a trade unionist but I am arguing from ordinary common sense. Surely there is nothing which prevents a group of workers organizing union and running it under their own laws and it would appear and in fact it is repugnant from the Government—who at the same time is an employer of business—to have such a hard hand on an organization which is intended for fighting that employer. The Premier is an employer of jobs and I am a worker. I want to find out all his bad methods which make me suffer. Supposing the same Premier with that power as employer directs me on how I should use my money, which is my weapon for fighting his irregularities, it is repugnant. Straight away I can paralyse him, the whole purpose of that I cannot help at all. So Sir, I think on that score the whole idea of sub-section 2 from the word staring 'in' would appear to be very repugnant the actual organizing of a trade union. Secondly, Mr. Chairman, it is repugnant to the members of the administration. Surely every organization should have a free hand in administering their affairs of that organization. If an organization is never to be organized it would appear that the Government is interfering with the administration of private organizations.

Thirdly, Sir, it is repugnant to the principle or to the idea of complete immunity which forms the private organizations which they are supposed to have. I have never been a trade unionist man and an arguing this now from common sense. Before I start to speak and explain I think myself it is for trade union to be immune, and the idea of providing a course to direct how these funds should be used is to deprive the immunity of these funds. Therefore, on this principle I regard the whole of sub-section I as repugnant and I beg to move that my amendment be adopted by this House.

Mr. N. N. Mbile (Kumba North West): I beg to second.

Mr. Chairman: The question is that a full-stop be inserted in Clause 2, sub-section 2, line 4 and that the rest of the section thereafter be deleted. That the full stop be inserted after the word 'word' and that the rest of the clause, including section 2, thereof, be deleted. A full-stop after the word 'union' in clause 2, sub-section 2, line 4, and that the rest of the clause be deleted.

Mr. Moffor: Mr. Chairman, Sir, I do not just know. From this issue I want to bring a typical example to Honourable Members, what has been happening where trade unionists have been well established. I think the labour Code here, well I have got some ideas as to what has been happening in Ghana... (laughter)... When the first union congress was opened at Accra the new President of the Ghana Republic made a speech. I would like to bring to the notice of Honourable Members some of points he made. He said that he could not actually be prepared to guarantee freedom for workers, their constitutional rights in favour of every support in the territory, otherwise he was not helping the trade unions from strength to strength.

The leader of the Opposition (Dr. E. M. L. Endeley): Date?

Mr. Moffor: 1959. What is composed of trade unions Sir? There are so many categories. The National trade Agriculture, the Plantation Workers Union, Building, Timber and Wood Workers Union, Commercial bank, National Food, entertainment, drinks.. (laughter)... and all these unions are embodied in a trade union, having their structures. This union supplied by the National Government, this contribution which is something which can force any member to contribute because the statement says that members are obliged to pay in their shares as members of the unions. Lastly Sir, Ghana has political independence, the workers should work hard to take up leadership and administration of the country. Only joint worker can mobilize all the forces at their disposal. Mr. Chairman, I rise to oppose the amendment.

The Minister of Work and Transport (Mr. W. N. O. Effiom): Mr. Chairman, Sir, I rise to oppose the amendment. I have listened quite intently to Honourable Members on this topic and a point which arises is that the Bill gives a lot of force on workers but that the employers, or employer, are not so mentioned. Or rather, there is nothing in the Bill to make the employer regard it as a duty to get these deductions made. If that is true, or if I think that correctly a question then arises, is not the amendment proposed to be deleted. Sir, I will read the amendment proposed—a full-stop to be put after the word ‘union’, now thereby deleting the words ‘In respect of which an order may on a sub-section 2 is imposed and any sum so deducted shall forthwith be paid by the employer to the Trade Union concerned’. Doesn’t this essential factor for out of the amendment stands? Briefly, the second aspect, I think I would like to be labour the House, has been over-emphasized. The idea of unscrupulous trade union leaders trying to use Union funds to buy open cars and drive with their private

duties and charge it to the hard-eared pay of the workers. I think if the Minister is given this right certainly it doesn't dismiss the fact, in any way, that Government is not an employer. While Government is an employer the Minister of Labour as an individual is not an employer. So on these two points, Mr. Chairman, he may be part of the Government but certainly he is not going to use his power as Minister of Labour to influence the Government. On these two points Mr. Chairman, I very vehemently oppose the obnoxious amendment.

The Attorney-General (Mr. B. G. Smith): The only point I wish to make is that the words 'the sum so deducted should be made by the employer of the Union concerned' should remain, otherwise the employer would be able to keep the money so deducted. I think the amendment should be rephrased. Mr. Chairman, I therefore think it becomes necessary for me to propose an amendment to the amendment: That the amendment proposed be amended by substituted therefore in the proposed sub-section 1 of Section 27 A appearing in Clause 2 that there by substituted for all words appearing after 'trade union' the words 'and any sum so deducted should forth with be paid by the employer to the Trade Union'.

Mr. N. N. Mbile (Kumba North-West): Mr. Chairman, Sir, would it not be proper to ask the Attorney-General to consider a few words which would make it a little better on the employer to deduct the actual deduction?

The Attorney-General: On a point explanation I am apparently being asked to make the 'may' into 'shall'. I am not here in any way pleading the case of the Opposition; I was merely rising on this particular point as the Legal Adviser to the whole House to suggest that possibly vital words have been left out. I am not standing in support of that in any way whatsoever. I am merely indicating, Mr. Chairman, that I am attempting to be of assistance to the House.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Mr. Chairman, Sir, I think in my humble opinion that this amendment has not affected the bill very much. In fact in deleting the sub-section (2) of the said clause the essence of the main point which the bill as it stands really want to drive home. I think it would be unnecessary, Mr. Chairman, to belabour the points which we have already put out to Honourable Members to drive away their fears. There is no doubt that one great responsibility of the government is to cater for the welfare of all workers who have united under the trade unions and for that reason we have a

Labour Department. Certainly when workers or trade unionists want increases in wages, either they are employees of government or private firms or companies, the government is the last resort of those workers for arbitration and I do believe that it is almost incumbent on the government to have control of the policy which governs the trade unions and it is this policy, not the details of the organizing and the secret workings of the trade unions which we are after. We are not seeking the control of the policy for the betterment of government, but mostly for the betterment of the workers or the members of the unions and thinking of that reason, Sir, we oppose any amendment to this particular clause.

The Premier (Mr. J. N. Foncha): Mr. Chairman, Sir, I wish to allay the fears of members. The Bill as it stands has all the protection that government can give to the trade unions of this territory. It would be appreciated that the passing of this bill into law is an act of co-operation by the government and it is unthinkable that government after having co-operated should use its power to suppress the union after being a free organization. Any subtraction from the original bill will remove the essence of the whole thing.

I can see one question that Dr. Endeley tried to ask, that in the whole bill the employer has not been mentioned. It is not necessary to mention and force the employer to agree to the deduction. It is already understood that he will normally do it because if he doesn't there is something behind. The union knows what to do. It is only something that he will be willing to co-operate. Afterwards nobody will doubt the right of the employer to employ an officer to undertake the administration of this deduction and to be paid for from that fund- that is a matter to be discussed by the trade union concerned and the employer. It is not necessary to insert this particular arrangement in the bill because it is already understood. The bill, as I have said, is well meaning and any amendment will be detrimental to the essence of the whole bill. I therefore oppose any amendment of the whole bill.

Mr. N.N. Mbile (Kumba North-West): Our amendment was proposed in the spirit in which our words have indicated during the debate. It is unfortunate that the movers of the bill did not see the point of view that we have made in support of the amendment that we have proposed. Certainly, if you want to do a thing for a man you either do it properly or do not do it at all. Some of us who had years in this labour organization and those labour organizers know that one of the things that we would never compromise upon is the question of the freedom and independence; of the trade union movement and if there is anything that will threaten that freedom it is this, Sir, as is shown in section 2 of this bill, namely that

it is a minister that shall have to approve before a trade union is free to make its collections. I would say, Sir, that if I were, as in my younger days, heading a trade union movement, I would prefer to hang on to the old system of voluntary contribution than to submit to the Minister my advance proposal as to what I wanted to do; proposals being against them, that very ministry possibly, against that very government possible. I would be the last man to submit myself to such control. I would rather organized under the old system and depend upon a voluntary contribution. I think the purpose of this and the intention if it is well meaning is completely lost by this unnecessary control. We have made our point very clearly that the trade union before it is registered as a trade union at all submits its rules and regulation, including the purpose for which it want to devote its funds, to the government, to the body registering. Then, at the end of every year- I repeat, Mr. Chairman, every year- every registered trade union submits to the Registrar of Trade Unions an account of how it has expended its funds.

If that account is not satisfactory, action may be taken. Trade Unionists have been jailed, Trade Unionists have been disciplined, they have been called up for questioning, they have been surcharged and so on and so forth. So Sir, all this particular section to which we have objected in the most reasonable terms is unnecessary and if our friends are not willing to accept that here there is not one man who has all the ideas which cannot be improved upon at his command alone and that it is all of us together who have to make the laws here for our people and when you suggest an idea and bring it to this House you ought to be open to counter suggestion to improve upon your own ideas. If that spirit is lacking as I notice it is lacking in the movers of this Motion, we cannot but place it on record that we object to the inclusion in this control by the Minister. We would like Trade Union Movement to be free and to be independent. Let it use its money the way it likes the power to disburse its funds with the union itself. It has supreme Executive, it General Council and at the end of each year it submits an account and it is on that account only that any control can be exercised. But as to this prior approve and prior estimate to be submitted before it could be approved for collection we object and we are holding to this amendment and to firmly placed on record that this is our view.

The Minister of Works and Transport (Mr. W. N. O. Effiom): Mr. Chairman, Sir, I beg to move that the question be now put.

Question Proposed.

Amendment Proposed—“That all the words after the word Union under clause 2 subsection 1 line 4 to the end of the clause be deleted and therefore the following words substituted ‘and any sum so deducted shall be forthwith paid by the employer to the Trade Union concerned’.

The House divided—*AYES: 13; NOES: 14*

Mr. P. N. Motomby-Woleta (Victoria South-West): Mr. Chairman, Sir, I give notice of just a short amendment whereby I want the word ‘may’ to be deleted and the word ‘shall’ substituted instead in the second line of section 1, paragraph 2 of this Bill. The original text reads as follows: ‘Notwithstanding anything in this Ordinance contained, an employer may with the consent of the worker, ‘may’ is the word I want deleted and ‘shall’ substituted therein and if my amendment is acceptable the new text would read as follows: ‘Notwithstanding anything in this Ordinance contained, an employer shall with the consent of the worker make deductions from the wages’.

Mr. Chairman, Sir, I think this is an improvement. It is just a slight improvement on the original text which also places a sort of obligation on the part of the employer to proceed to deduct these after he shall have had the consent of the worker. If this amendment is not put in, a situation could arise where the employer could continue to dilly dally the implementation of the desire for this check-in system. There are 1001 excuses an employer can adopt to stultify the sanction or the approval of the Minister. The Minister may approve the Timber Workers’ Union having the check-in system and the employer may say I don’t have the staff, I mean there are 1001 excuses Mr. Chairman, we can run through a whole gamut of them. So that the substitution of the word ‘shall’ for the word ‘may’ would also make it obligatory for the employer to proceed to make these deductions. I do not intend to belabour this point but if this Bill is intended really to help the workers this little amendment Mr. Chairman, in my opinion commends itself very forcefully to this Honourable House. I beg to move.

Mr. McCartney (Special Member): This scheme should be shared out between the employer and employee. I would say this, Sir, in regard to the average employer in the Southern Cameroons. It would make very little difference indeed but with large employers like Elders and Fyffes, Pamol, Cameroons Development Corporation, it has to be an extensive proposition.

Mr. N. N. Mbile (Kumba North West): Mr. Chairman, Sir, I do not intend to disagree entirely with the points which have been made by the last speaker, but those of us who have been trade unionists—it is not a discredit to be one—do know, are very keen to know, what is happening not only

in this part of the world but elsewhere. Indeed, there are improving relations between the employer and the worker in most parts of the world. It cannot also be denied there are those employers who are unwilling to see any union developed. We cannot also depend on their goodwill, goodwill between an employer and a worker, there must be something stronger and that may be goodwill to assist these relations which we want to see. Relations we want to see between employer and worker, relations of friendship and not relation of patronage not relation of terrorism. We want the workers to be able to be in a strong position, not to be in a position of mere patriotism. I am sure I do not want to disagree with the points which the last speaker has made, but I am Sir, tempted to wonder about the curiosity of these feelings because I am aware that but for the active trade union movement in Nigeria, there might have been very little decided. The C.D.C. in the Cameroons, I repeat, might have been little but for the trade union activity under the other organizations and I am very aware that there is need of these movements. You will find trade union organizations for the U.A.C. and Pamol in this country. I do not know who is the General Secretary or who is their President. It is not a very healthy position because where you have an absence of a strong trade union movement for the working class you develop stoppages and idolism. Men only look up to the employer for improvement of their standards and not by working together as colleagues. I do not think that any of us can be accused of being out of date. I can never be more out of date than a man who does not realize that under him there is no trade union at all.

Mr. McCartney (Special Member): I cannot allow that last remark that was passed. If the Honourable Member would care to see me after the session, I will tell him who the Secretary is and who the President is.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): I beg to move that the question be now put.

The Minister of Social Services (A.N. Jua): I beg to second.

Mr. Chairman: Question—‘That’ ‘may’ be deleted and the word ‘shall’ shall be inserted therefore’

Question put and agreed to.

Clause 2 as amended put and agreed to.

Bill to be reported.

(Mr. Speaker resumed the Chair)

Bill accordingly read a Third time with amendments and passed.

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, I beg to move the motion standing in my name: That this Honourable House, taking into consideration the Constitution of the Federal Republic of Cameroon, approves the action of the leaders of the Southern Cameroons with the negotiations with the Government of the Republic of Cameroon concerning the form of the future Federation and thanks the President and Government of the Republic of Cameroon for the co-operative and brotherly manner in which they have conducted negotiations. Sir, this motion seeks to ask members to approve the manner in which members of this Government have conducted negotiations with the Government of the Republic of Cameroon, into bringing into being the Constitution which has now been produced for the future Federation for the Cameroons. Sir, in moving this motion I want the members to understand that we started these negotiations from a scratch, there was nothing to start upon; but throughout the whole of the negotiations one thing was kept in mind, it became clear to me and to others who took part that everybody was since for the purpose of producing something agreeable for the betterment of the Federation of Cameroons. I must confess, Sir, that from the very onset when we settle this very difficult task of the Plebiscite and nobody knew where the vote would go, it was difficult to put something really concrete on paper. But before the Plebiscite principles were involved which happily became the means by which the Federation had been built. At least the word Federation was kept and has never been disputed. From the very onset it was difficult to include members of the Opposition in the negotiation. This could be understood but before the plebiscite it was difficult for the members of the Opposition to begin to negotiate a constitution on a matter which did not exist. For that reason it became difficult for us to invite members of the Opposition to take part in such negotiations and since negotiations that time was merely to build up the principle it was afterwards unnecessary, but after the plebiscite it became incumbent upon us to include members of the Opposition in most of the negotiations that we had to do and we did our best to find out every man of the Republic of Cameroon. For one reason, mainly because of their own constitution, the President of the Republic of Cameroon is empowered to do all negotiations and then to present that negotiation after he had felt satisfied for rectification. For that reason the Republic of Cameroon did not include members of the Opposition. But, however, we told them that it wasn't our system here to draw up a constitution without having both sides of the House associated and we had members of the Opposition present in our negotiation and I must say that I appreciated the spirit in which we took up our debate in Foumban when we met together. It was truly a brotherly meeting and much was achieved at that

time. We not only assured our own democratic spirit of debate coming to a conclusion, we also produced something to show that Opposition and Government can always work together to produce the best results. Through our own negotiation there were no selfish motives in the minds of either the Opposition or the Government. We tried to do what was right. Under the circumstances we were able to produce what is now on paper. It is true the constitution is not perfect and, as a matter of fact, the Government on both sides know that there are going to be insertions which unless the Federation itself comes into being it would be difficult even at this time to insert them by the means of amending that Constitution, has been agreed on both sides and Constitution itself is so provided that one regional government could get you any of the amendment if only the members...with the Federation are unanimous over their points, so by itself we felt that a region should be able to agree Bills before they are really passed by the Government of the Federation. It is a real big fact and one big achievement that we can take our place in the Federation with pride and meet it with confidence. When the House of Chiefs met we presented this motion and members not only thought that the Leaders of the Southern Cameroons should be congratulated and their method approved but they felt also that thanks should also be expressed for the way the Government of the Republic of Cameroon conducted the last stage of the Constitution. When they finally discussed it in their House it was approved by a majority of 88, none against and only 6 abstentions. And then the question of the two-thirds majority which they had was more than achieved. In particular I know the difficulty that we were confronted with in bringing this piece of job to the first conclusion. It was almost unthinkable that by this time I would have laid it on the table of this House but by being...that human argument of both sides that was possible. I call upon Members on both sides to approve the manner in which we have conducted this affair and I feel we have built up a procedure in the Southern Cameroons which will long be ours. In any difficult problems we can always come together and find a solution. Sir, I beg to move.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna):
I beg to second.

Resolved—‘That this Honourable House, taking into consideration the Constitution of the future Federal Republic of Cameroon, approves the action of the Leaders of the Southern Cameroons in the negotiation with the Government of the Republic of Cameroon concerning the form of

the future Federation and thanks to the President and Government of the Republic of Cameroon for the co-operative and brotherly manner in which they have conducted negotiations.

The Attorney-General: Mr. Speaker, Sir, with your permission I wish to make a personal statement. This is one of those occasions on which as an official I shall abstain from voting and if there are any explanations with regard to the Federal Constitution I will endeavour insofar as I can, to make them.

Mr. P. N. Motomby-Woleta (Victoria-West): Mr. Speaker, Sir, I rise to support this motion. And in doing so I want to sound even at this early stage a note of warning that my rising to support this motion does not in any way stop me from speaking my mind without fear or favour on the floor of this House. The motion is coming up on us, first of all to take into consideration the Constitution of the future Federal republic of Cameroon. Certainly the whole of the Southern Cameroons will be taken into consideration this Constitution. There is no doubt about it that it is being taken into consideration, it has been produced. The second thing this motion seeks is a tacit approval of the action of the Leaders of the Southern Cameroons in the negotiation with the Leaders of the Government of Cameroon concerning the form of future Federation. If in this context the Leaders of the C.P.N.C. and the one Kamerun Party and the various Chiefs and members of the Native Authorities who took part at initial and preliminary conferences, both in Bamenda and Foumban, the answer, Mr. Speaker, is: Yes, of course we have got to congratulate ourselves for the nice job we did.

But Sir, it would be hypocritical for us to say that we approve in its entirety the way in which the K.N.D.P. handled certain aspects of the formulation of this Constitution. It cost us no small embarrassment when at certain stages members of the Opposition and even members of the Opposition who are not represented in this House, were thought good enough to participate in discussions of this Constitution and at other times we were very cleverly eluded. It is very significant, Sir, that the same persons who were good enough to contribute their views at the talks at the Bamenda conference, were good enough to go to Foumban and work very long and strenuous hours, but were not good enough to attend the conference held here in Buea or the one held in Yaounde, so that, Sir, there are two gaps in the evolution of this constitution to which we would not append our signatures. These two gaps are very significant, Sir, in that whereas in Bamenda we spoke freely like members of one unit of the Federation to be, that is the Southern Cameroons, in absolute confidence one towards another, when the minutes or the records or the talks in Bamenda were being produced they were produced the way Mr. Foncha wanted them to be produced, they were not a proper record of the opinions expressed in Bamenda.

Secondly, Sir, at Foumban whereas there were about eight or nine chapter for us to grind through, we were able to cover four of the chapters we thought were most pressing. The other chapters on which we thought we needed expert opinion, like judicature and courts we felt it necessary to postpone them and seek expert advice. As a matter of fact, we did named certain bodies to which certain subjects should be referred. The Bar Association of the Southern Cameroons is one clear example, to which body of Lawyers, we had indicated our desire that problems connected with chapter on judicature and the court be referred, and brought back to us for blue pencilling. Mr. Speaker, Sir, this was never done, and to me knowledge the next thing we saw was what is being termed the Constitution of the Federal republic of Cameroon, including those aspects to which we wanted to give second thought. These two gaps, these two very vital omissions, Mr. Speaker, we want to say very clearly we would not accept responsibilities for as a political part. I do not purport to speak on behalf of O.K. but I am not sure that this will be their feelings as well.

We do appreciate that the Government may have been in certain difficulty in view of the fact that it appears that the relationship between Government and the Opposition in the Cameroon Republic is not like the relationship between the Government and Opposition patterned herein the Southern Cameroons after West Minister. In our own upbringing the Opposition is the alternative Government and it is recognized and respected. And, Mr. Speaker, Sir, we do appreciate that the K.N.D.P. might have been in some difficulty to persuade the delegate and Government of the Cameroon Republic that an Opposition should be taken into absolute confident and that the Constitution making is not the prerogative of a chosen few, and that the success of the Constitution depends on the free expression of the people's will to be governed by that statute or that piece of paper and a Constitution can never successfully be thrust down the throats of the people. So that this excuse, be they as they are, are quite strange to us. We know that Mr. Foncha did say that he appreciates very fully the role played by the Opposition in helping to bring about the success of these talks, and I am sure he is not hypocritical about this, he does know that we work very hard and sincerely and we had to work that hard because the Constitution is not meant just for the K.N.D.P. alone, it is meant for the 800.000 people of the Southern Cameroons, who expressed their wish very freely during the last plebiscite and the die in cast.

There is no turning back. The Rubicon is crossed.

Mr. Speaker: This is a moment of interruption and it is necessary to move a motion of adjournment. I have received notice of a motion that the motion be put in the order paper for tomorrow in order that the debate may continue.

ADJOURNMENT

The Premier (Mr. J. N. Foncha): I move that the House do now adjourn until 10:00 a.m. tomorrow morning.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): I beg to second.

Question put and agreed to.

Adjourned accordingly at 5:50 p.m.

Chapter Seven

House of Assembly Debates: Supplementary Estimates, Water Rate, Agency Services, Defence

SOUTHERN CAMEROONS HOUSE OF ASSEMBLY

Friday 15th September, 1961

The House met at 10 A.M

Prayers

(Mr. Speaker in the Chair)

Papers

The Minister of Social Services (Mr. A. N. Jua): Policy for Education 1961

Order of the Day

The Supplementary Appropriation Bill 1961-62—Adjourned Debate on question (14-9-61).

Question again proposed. That the Supplementary Appropriation 1961-62, Law 1961 be now read the second time.

The Leader of the Opposition (Dr. E. M. L. Endeley): On a point of order. We are at a complete loss to know how to proceed with this debate. The Minister of Finance has not distributed his speech and we do not know what we are going to debate.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): It is normal practice that after delivery of my speech steps are taken by the Clerk of the House.....(*interruptions*)...

Mr. N. N. Mbile (Kumba North-West): I am not a member of the staff of this House but I do know what generally happens is that copies of the Financial Secretary's speech, now the Minister of Finance, are distributed directly so that members have copies and we can tick off as we go along

and then we can debate. As it is we have listened to the speech by the Minister of Finance and it was a very brilliant speech for his first effort, but there has been a slip-up in his Ministry, let him come forward and say so.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): On the point of order raised by my Honourable friend, it has not been quoted. I cannot see any point of order in Standing Orders for a speech to be circulated however, I am sorry that the speech was not circulated.

Mr. V. T. Lainjo (Bamenda North): Mr. Speaker, Sir, I was going to raise the point which my leader has raised and perhaps the point having been raised with the appropriate answer perhaps I can make a few remarks on the Supplementary Estimates. I am sure it is my wish to congratulate Mr. Muna as the first Minister of Finance in the Southern Cameroons for what we regards as a successful presentation of the First Supplementary Estimates by him for 1961-62. Now, I am aware, Sir, that this is his first effort and I am also aware that.....it would appear to be unfair to be too critical on the techniques of the financial arrangement of the Estimates. But, Sir, I would, however, make a few observations of very fundamental principles. The first thing that struck me very forcibly about this Supplementary Estimates has been, Sir, that looking at the Supplementary Estimates the financial and economic policy reflected appear to be understandable indeed and it appears to be an ambitious drive into a financial and economic vacuum, because, Sir, looking at the balance sheet of the Estimates, that is the financial statement at page W, it shows under Revised Estimates Revenue for 1961-62, a revenue of £2,810,000 odd, which includes £180,000 non recurrent grant, that is, the Grant-in-Aid from Britain. With that figure included, Sir, the estimated revenue balance would be £56,000. This would appear to be the amount of money with which the minister of finance would have in the cupboards to start the new financial year with. It is a vacuum because the Territory, whose expenditure has already gone up to over £3,000,000 to balance in the estimated revenue figures at £56,000 only, is not a very bright future. Second point, Sir, I am completely at a loss to see how the Minister has in fact rushed the taking over of Federal Services a month earlier. He made a point when he delivered his speech, but perhaps the speech has not been circulated and I am at a loss to understand how there was this rush. It is a rush because the taking over of these Federal Services is merely taking over to make economic vacuum, for the Federal Republic to take over these services. One would have thought, Sir, that the Minister would normally want to take advantage of this one month and have had what

may be an extra expenditure. But that same Minister rushed to take over from these Federal services without a corresponding arrangement with the Federal Republic so that there is a vacuum.

Thirdly, Sir, it is common knowledge that there are still a lot of incomplete projects started with C.D & W funds and C.D & W money. Lots of them are still uncompleted and in the Supplementary Estimates there is no arrangement whatsoever of what is going to happen when the money being derived from Britain for these sources of expenditure, ceases to come. It is therefore embarrassing to see the Development Funds already show an under-expenditure of £199, 000.

Fourthly, Sir, the absence of a hopeful date for a fiscal commission to undertake the revenue and expenditure arrangements of the new Cameroons State is rather funny. One would have expected that with two weeks to unification this arrangement would have been made or some indication would have been made as to what day, as to the exact day, on which a fiscal commission will be at work. I am sure it is not as simple as it appears. I had an experience in this House some time ago and my experience was based on the arrangement that took place when we seceded from the Eastern Region. It took over five years and commission upon commission was appointed before a working arrangement was arrived at. Here, two weeks to the time of completely cutting off from British resources and Nigerian resources and we have no idea whatever of when a fiscal commission would be appointed. There is a vacuum.

Fifthly, Mr. Speaker, Sir, it is true to assume that there will be an extra financial burden on the territory to arise from the share of running a national defence. Again, it is an extra financial commitment. I have made these points which I hope that this House is entitled to know what arrangements the Minister is making immediately for them. I am also aware, Mr. Speaker, Sir, that at the Bamenda Conference we received a communication which was explained by the Minister of Social Services, saying that we would be allowed Commonwealth Preference for a year more. However, this communication came through, Sir, in which it was stated, among other things, that this Territory would be allowed to continue Commonwealth Preference for another one year. The recent events show, Sir, that Britain would be joining the European Common Market. It is not known whether the joining of the European Common Market will straight away knock out the idea of Commonwealth Preference; and, Sir, if it will, what will be the results. There are things that this House is entitled to know. I have one thing I want to suggest to the Minister of Finance. It is a matter of begging I think, Sir, for the Minister of Finance. If the Minister were to put up these things clearly to Britain enumerating the points I have made and pointing out that we are

eventually driving into a vacuum, it would not be asking too much to request the British Government for a lump sum of money to be granted to this Territory to tide us up at this critical time; because the Supplementary Estimates, as it is before me, shows no future at all. It shows, as I said earlier, that we are driving into a financial and economic vacuum, Sir, further, this commitment which I have enumerated and what a wonderful situation we will be faced with in a few weeks from now. I consider it obvious that the Minister of Finance should insist for Britain to grant this Territory a lump grant which will cover the incomplete projects and tie up this interim period before fiscal arrangements and so on are made.

There is nothing wrong and I think Britain be regarded as being fatherly and would only be good enough to listen to these points and be willing to help us in dire need. I have made these few observations purely of fundamental issues and, Sir, I said earlier that I wasn't going to get down into the techniques of the estimate for one reason because the Minister of Finance is new at this stage and for another reason because I feel that he has not all his experts around him and I decide to make these few observations which are of fundamental principle. I would make my further observations on the items of the Supplementary Estimates at the committee stage one after the other.

Mr. Speaker: Sir, I beg to support.

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, this first Supplementary Appropriation Bill is the first of its kind. The very fact that for the first time we have shown the Estimates for the paid Agencies in our Estimates is a progressive step. And to show that we can pay them for the next six months should certainly show the fact that we would meet up with any emergency which might arise. I do not at this stage want to make any lengthy speech but we expect both sides to congratulate the fact that we have at last been able to produce this Supplementary Budget.

I think Mr. Lainjo while speaking mentioned something which probably may seem to be important to him and to others. He argued that there was a deficit which was being kept aside because of the non-payment of the recurrent grant of £180,000. The system of grants-in-aid is well known to members of both sides. Grants-in-aids are paid in when there is an over expenditure on the estimate. So far the Southern Cameroons spending powers have been limited so that every year we carried out a balance due to unexpended items. It is not anticipated that the amount will be paid by Her Majesty's Government until we are unable to show on 1st October that we have actually spent it and our budget is deficit. So the system of

grants-in-aid has become a promise to make up a deficit if it occurs. As I have pointed out, that particular section, then, should be read with the explanation given.

The assumption of the Federal Department according to us is even now too late. We did that one to Paid Agency Department to continue till the month of September. We had wanted to shoulder the responsibility before now. In view of the fact that some of the officers who are manning these services will be leaving it were better for them to leave in advance so that we might find the personnel to replace them; but since somehow, we were not successful terminating their services, we have agreed to allow them to continue until the very last day. Whether we like it or not, we shall be bound to assume full responsibilities, and we have argued that the earlier we have it the better it should be. The arrangement for the fiscal commission should also be appreciated, that while plans are ahead for a high-powered fiscal commission to be called in, something has already been done by the financial experts on both sides. An interim recommendation has been made. When the Federation is working then a long term fiscal commission could be instituted by agreement with authority of the Federation. A fiscal commission could not have been rushed because the plebiscite ended in less than eight months ago.

The financial burden, as the last speaker has mentioned, will fall squarely also on the Southern Cameroons. Surely we expect that. It should be appreciated that as part of the Federation we should bare part of that defence. So, we hope that when the fiscal commission shall have the source federal income will have to be defined. I will not be necessary for the State to make contributions again. The extension term of Commonwealth tariff for the Southern Cameroons is appreciated. We had wanted it to be extended a little bit more than a year, but somehow Britain agreed to limit it only for a year. It is being anticipated that Britain will enter the Common Market. If she does, it will be a blessing for the Southern Cameroons; but if she doesn't then within a year from now some other market for the Southern Cameroons product will have to be sought. We do not want to cling on Britain as the only source from where wealth could come. Certainly, an economic mission will go out to explore the possibility of expanding the market of the Federation of Cameroon as a whole. When this economic mission has finished its work, it should be able to make an arrangement for the next market of the federation as a whole. I want to say that the source of our income will not be mainly to request Her Majesty's Government to make us grants to build our roads and to do this or that. The source of our economy lies within the potential wealth buried in the Southern Cameroons soil. Cameroonians were in the past lazy. I am happy that many of them are realizing that they can produce as much wealth for

themselves as any other competent farmer anywhere in the world. Any visitor to the Southern Cameroons makes this one remark that we live in a land well suited for agricultural purpose, and I think by stringent measures centred on the development of our agricultural production we should be able to be a rich country not many years to come. The other side of the Cameroon is equally a rich country. It is only that its resources have not been tapped yet. It is hoped that within the near future a Southern Cameroons bank will be established which will be open for the farmers to receive loans at a greater speed than ever before and then the means for developing the territory will be available. We hope then that the people will avail themselves with the loans that will be available for everybody who will be capable of doing something for himself. Sir, we have produced this Supplementary budget with the view that within the next six months we should bring our resources together to be able to find out where the leakage of our finance lies. We should assure Honourable members of this House that the resources of this country lie undeveloped because of shortage of capital. We shall go out to borrow as other countries have done.

I beg to move.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna):

I beg to support.

Mr. P. N. Mottomby Woleta (Victoria South-West): Mr. Chairman, Sir, I am constrained to make a few observations on the Supplementary Appropriation Bill. I like to say, Sir, that I don't understand the whole idea of this Supplementary Appropriation Bill. It is very clear that we want to appropriate the sum of £93,504 whereas our recurrent expenditure shows a deficit of £296,000. It is certainly very clear Sir, we are running very fast down the hill. I share the joy with the Honourable Minister of Finance on the payments to the Southern Cameroons a sum of £72,000 from the West Africa Currency Board as a result of shares of assets and winding up. But that offsets only a small sum of earning. Of course, the Minister of Finance has said it will not go into Consolidated Revenue because it is not a recurrent cost of revenue. Fair enough, but Sir, how do we get this £93,000 to appropriate from the remaining part of this financial year when we are so deep in the red in our recurrent expenditure. And if I may say Sir, as a matter of fact, there is a shortage in the capital estimate of over £200,000. Those put together shows that we are in the red of half a million pounds. I don't know where the Minister of Finance expects to get this £93,000 which he is calling on Members of this House to approve for him to spend for the rest of the year. Sir, I am tempted to say

this is fraudulent estimates. I am very tempted to say so. Honestly Mr. Speaker, I am at a loss. Is that the way governments are run? I am not impressed at all as Mr. Lainjo has said, we are certainly moving very fast into a castle. There is no doubt as Mr. Premier has said Cameroonians resign themselves to their fate and they have resolved to work very hard. We hope that the resolution by individuals to work very hard will be reflected in the National Budget. There is no doubt about that, but to me the future looks very bleak and this is an attempt to pool wool across the eyes of the Honourable members of this House. I think we expect further explanation from Mr. Muna where he expects us to help him find the £93,000 which is very clear we won't find it. On the contrary we are in the red of half a million pounds. Mr. Speaker, I support this Bill only after Mr. Muna tells us where this money will come from.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Mr. Speaker, Sir, before I attempt to answer some of the questions raised, I will like to thank Honourable Members for the tribute of the speech which I made a few days ago. I should like to start with the first question raised by the last speaker. Sir, on page two of the Supplementary Estimate it will be seen that Consolidated Revenue Fund balance on the first April 1960 was half a million pounds. The Consolidated Fund is a fund from which a government may, from time to time draw funds to meet emergency projects. I had mentioned in my speech that due to difficulties of staffing and under-expenditure projects which we had budgeted were not undertaken therefore, the deficit which on the surface appeared in the budget is only £30,000 because of the savings on all various projects, only £30,000 pounds. I assure Honourable Members that they should not be frightened by these figures here. A part from that, Mr. Speaker, Sir, I would like to believe the last speaker meant quite a different thing. But as a matter of fact Supplementary Estimate were sent to members a week earlier for them to study for the interim period and it was not necessary for me to outline a full economic plan for the next financial year within this current financial year. Honourable Members will have noticed that at the beginning of this current financial year the development plan and economic policy were discussed in the budget, these amended to meet projects of short falls in the expenditure of certain projects we have not seen during the progression of the budget for the current year. I think that the Honourable Member who raised this question is satisfied with the explanation I have given. Now turning to what Mr. Lainjo mentioned, I am happy that the Premier has answered some of the points but I should like to add a few points. Now, take for instance the question of a fiscal Commission. Not everything that we have done so far can be outlined in

this brief short supplementary speech. To state that we are separating from Nigeria and no arrangements have been made to take over Federal subjects, that a Fiscal Commission should have given a report so that all these arrangements should have been implemented, I think that is not really true. For instance a few days ago the delegates from federation of Nigeria and the delegates from the Republic of Cameroon met here to take decisions on the smooth handing over the P. & T. Department and Customs, all these are being taken gradually so that it would be a fallacy indeed to think that the taking over of the federal subjects from the Federation of Nigeria was merely drawing them into a vacuum, far from it. The task of a Fiscal Commission is a very technical one and it will take a long time to be implemented, it will take a long time for the report of the Fiscal Commission to be implemented. Meanwhile the two States who have agreed to come into a federation cannot sit back with folded arms. Local and preliminary arrangement is afoot to get these problems settled or solved. I think, also, that it is not right to say that the taking over of federal subjects means the extra burden on this government; that is not true at all. We have seen that by running the Federal subjects, for instance the Police which now more or less, although it is a federal subject is entirely manned by Southern Cameroons. I think that this has gone a long way to curtail extra expenditure which we paid over to the Federation of Nigeria for agency fees. We have also taken the Labour Department; we have also taken over registration of Company and Business names, the fees for these subjects have been curtailed and the State Government is not experiencing any difficulties at all, rather we are having some savings. The question of National Defence as mentioned is a tricky one and the burden of that will not rest alone on the Southern Cameroons, the Cameroun Republic and this Government have accepted on principle that they are going to have a National Defence force the cost of which will rest solely on the Federal Government. There is also the point of this Block Grant which has been mentioned it is not out of place here to state that the U.K. Government has promised revenue to the Southern Cameroons Block Grant of half a million pounds. We hope with this Grant we shall be able to balance our budget in the next Financial Year. Members need not be frightened with the small deficit which faces us at the moment; we had planned to embark on an economic project and the best proposal was made with the current agreement of the Opposition the case of limited time and more urgent matters pressing, we have had to postpone that until a later date. So, Mr. Speaker Sir, if the aim of Supplementary Estimates is fully grasped I think Members will not quarrel with what we have presented to this House.

From time to time, no matter how scrupulously the various Government Departments submit their estimates for a particular financial year, it is always, as a matter of fact, that during that year certain unforeseen expenditures often crop up. It might be a disaster on the road which may mean conferences, for instance, during this year which we do not envisage. It may mean sending delegations abroad and sometimes the Estimates for such delegations will not be adequate. So, Sir, these first estimates have been made with the sole purpose of meeting the shortcomings in our budget which was earlier presented to the Honourable Members this year. Mr. Speaker, Sir, I beg to support.

The Premier (Mr. J. N. Foncha): I beg to move that the question be now put.

Mr. Sam Moffor: (Bamenda Central East): I beg to second.

Mr. Speaker: The question is that Supplementary Appropriation (1961-62) Law, 1961 be now read a second time, put and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

Mr. Speaker: Committee when?

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Now Sir,

HOUSE IN COMMITTEE

In accordance with Standing Order 64, sub-section 7, the clauses of the Bill. Honourable Members have been supplied with copies of the Estimates.

HEAD 522—COMMISSIONER'S OFFICE

Question—“That 9,480 pounds for Head 522—Commissioner's Office stand part of the schedule, put and agreed to’.

HEAD 525—PREMIER'S OFFICE

Question Proposed—“That £7,580 for Head 525—Premier's Office stand part of the schedule’.

Mr. N. N. Mbile (Kumba North-West): Mr. Chairman, Sir, I wish to make a few observations under this Head on a few matters which I feel pretty strongly about which, in my opinion, have been handled so far in a pretty irregular manner.

Under the Premier's Office you have Cameroonisation and you have, if I am not mistaken, the Public Service Commission. Mr. Chairman, Sir, the question of employment in the Cameroon Public Service is one on which all of us have expressed dis-satisfaction. We do not know how people are employed. We do not know how jobs are advertised. We think this is a matter on which there should be a full statement now or later. I think not now because it is a very important matter under this Premier's Office, and I think, Sir, that we should give the Premier full time to make a statement on this matter of employment. In particular, what is the Public Service Commission doing? Is it responsible for what we regard as an almost one-sided employment in the Cameroons Service? I think, Sir, that I would not like to make a long speech on this but I am sure I have been understood. We are not happy with what is happening. Perhaps there was reason or justification, there was, I say, I wonder whether there is justification for pretty funny way which things have been happening. I do not want to say more than this Mr. Chairman, Sir, I pause here and I wait for a statement from the Premier later on, not now, on this matter. Thank you.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, Sir, under Premier's Office you have Cameroonisation and training. We know, Sir, this was a policy matter, it was expected by both sides of the House and, Sir, one of the policies for Cameroonisation schemes was to effect some economics. I am not sure, Sir, that they have the Premier or the Minister of Finance to explain this, I am not sure. The Cameroonisation policy has in fact brought in economics, that is, have we reached a sort of national scale pertaining to the Southern Cameroons or the Cameroon people. Second point, Sir. It seems to me that with Independence and with unification we should have to become Cameroon and there probably would be no necessity for running an office which spends money purely as an economy. There is an economic measure which could be used in place of Cameroonisation. It would be for the Government to organize something else and call it the day of organization and method. You may attach it to the Premier's office, to the Economic Division, and you have an expert who is good enough to check on the running of the various departments and set out the economics. That is, an officer, in that capacity to do organization and method and get it up to where you have £10,000, for example. Check up and when you have it relate the work one to another and be able to say, for economic purposes you can reduce the staff of this

office by this and therefore you are saving that amount on the others and you can look in an office and see there are ten typewriters here and let us see how they work. You may then be able to reduce these ten typewriters to one or two or three; because I am sure a lot of economies could be effected by organizing a system of ensuring the economic running of every department. It would be wise to do this and I recommend that to Government.

Mr. S. N. Tamfu (Nkambe Central): Mr. Chairman, couldn't the Premier's office do...(inaudible)...like Minister of Local Government. We are very conscious of what has happened to some of the N.A. Councils. In most cases the government has come to a stand-still because of no well constituted N.A. Councils. For instance Nkambe has for three years or more had no elected council and therefore no government has been effected in this division.

Mr. Speaker: Local government is not affected by this particular Head.

Mr. Tamfu: What I am saying is on this head.

The Parliamentary Secretary to the Ministry of Local Government (Mr. J.H. Nganje): There is nothing here which mentions Local Government.

The Minister of Finance, Commerce and Industries (Mr. S.T.Muna) Local Government is Head 527.

Mr. Tamfu: It comes under the Premier's Office.

Mr. S. Moffor: (Bamenda Central East): I rise to make a few observations on points made by Honourable Members concerning the Cameroonisation Office. The Cameroonisation Office is an officer who has been put in the Premier's Office to look for appointments for suitable Cameroonians who are qualified to fill these appointments and then the establishment Office is within the Deputy Commissioner's Office. We took the appointments of Civil Service Commission as an independent body which also deals with the employment of Cameroonians. In my view I think in the near future as has been stated, the Cameroonisation Officer, the Civil Service Commission and the Establishment Department might be meeting to get together, because if we try to speak in terms of employment of Cameroonians concerning the Cameroonisation Office, I do not see how he has any alternative to appoint a Cameroonian, because he is just a simple adviser to advise the Civil Service Commission, just an independent body outside the Premier's Office.

The Attorney-General (Mr. B.G. Smith): Mr. Chairman, Sir, I just wish to underline what the Honourable Mr. Moffor was saying with regard to the constitutional position of the Public Service Commission although for administrative purpose, the Public Service Commission appears under the Premier's Office, it is an independent Commission appointed by the Commissioner. It is appointed under the provisions of chapter 6 of the Constitution Order, and its position and Powers are set out in s.49 which says the Commissioner may refer to the Public Service Commission for their advice any matter relating to the appointment of any person etc., and sub-section (2) says it was the duty of the Public Service Commission to advise the Commissioner upon any question which he refers to it. The Commission itself is appointed in accordance with regulations made by the Commissioner. Section 71, the proviso thereto provides that appointing the members of the Public Service Commission, the Commissioner shall consult with the Executive Council, but shall not be required to act in accordance with the advice of the Council, so the appointment of the Chairman, and members, the final choice of the Commission rests with the Commissioner. So far as members are concerned he has to consult with the Executive Council but is not required to act in accordance with the advice. It is to be noted that the Public Service Commission itself is an advisory body and not an executive body. It only advises the Commissioner. The actual final decision rests with the Commissioner. That is the present constitutional position.

So, as I say, the Public Service Commission, although for administrative purposes appears under the Premier's Office, is in no way under the control of the Premier or of the Executive Council. It is under the control of nobody. It is an independent advisory body which exists to advise the Commissioner on the Appointment of any officer to the Public Service or the dismissal or disciplinary control of any officer in the Public Service.

Question—‘That £7,580 under head 525—Premier's Office stand part of the Schedule, put and agreed to’.

HEAD 532—TREASURY

Question—‘That £3,960 under Head 532 stand part of the Schedule, put and agreed to’.

HEAD 538—MINISTRY OF NATURAL RESOURCES

Question—‘That £3,170 for Head 538—Ministry of Natural Resources stand part of the Schedule, put and agreed to’.

HEAD 539—AGRICULTURE

Question—‘That £12,220 for Head 539—Agriculture stand part of the Schedule, put and agreed to’.

HEAD 540—FORESTRY

Question—‘That £2,012 for Head 540—Forestry stand part of the Schedule, put and agreed to’.

HEAD 542—MINISTRY OF SOCIAL SERVICES

Question—‘That £900 for Head 542—Ministry of Social Services stand part of the Schedule, put and agreed to’.

HEAD 544—MEDICAL

Question—‘That £22,885 for Head 544—Medical stand part of the Schedule, put and agreed to’.

HEAD 547—PUBLIC WORKS

Question Proposed—‘That £5,065 for Head 547—Public Works stand of the Schedule put and agreed to’.

HEAD 534—MINISTRY OF COMMERCE AND INDUSTRIES

Question—‘That £145 for Head 534—Ministry of commerce and Industries stand part of the Schedule, put and agreed to’.

HEAD 536—MINISTRY OF CO-OPERATIVES AND COMMUNITY DEVELOPMENT

Question Proposed—‘That £5,095 for Head 536—Ministry Co-operatives and Community Development, stand part of the Schedule.

Rev. D. Y. Nyanganji (Nkambe East): Mr. Chairman, Sir, I just want to make a point on this Head. Some of the N.A. roads have been long enough and I would like to know what plans the Government has in heart to take over some of these roads from the N.A. to improve on them. I would like to know because the N.A. have been struggling on these roads and I should think it is time Government takes over these roads to improve them.

The Leader of the Opposition (Dr. E. M. L. Endeley): Mr. Chairman, Sir, especially as the Minister himself spoke on this issue of water rates, I would like to take the opportunity to say something about it. We appreciate the need for Government to raise revenue, but taxation must take a form. It can stifle life necessity. We have observed that they have introduced the water rating system which is most inequitable. I will give an example, water rating is based on the number of points that the man has and not on the volume of consumption of water. By so doing they are putting hardship on the average individual who may have a number of points for pure convenience and may not necessary consume the amount of water as the man who has fewer points. I noticed that the private individual, for instance, is charged at the rate of £10 for the first point and £3 for every other point so that if a man has a point in the kitchen he pays £10 for that. If he had another point for his W.C., he pays £2 for that and if he had 1 point for his wash basin he pays another £2 for that; and if he has another for his bath, he pays another £2. If he had two baths one for his visitors he pays an additional £2. This will go on until it makes it impossible for a man to use water. Water is such a necessity that nobody can avoid; it is not a luxury. We have found out that it will make it impossible for the ordinary man who wants to live sanitary, I meant in a healthy way, to live.

And members consume such more water we have found, that whereas a private citizen who has a private house cannot pay less than £10 per year for this water rating. No Government official except the Commissioner pays anything up to that level, the highest paid by any Government official and we all know how many points you can find in a Government house is eight but the minimum paid by private citizen who attaches points to his brother is £10 pounds at one single time. I think whoever is the genius of this was probably taking shelter that he was a government official. We have also found out that whereas the provisions for water points in the villages where there is Government water supply are not generally under the same conditions, there is the uniform rating of 12/6d a year. I think this is the wrong way of trying to tax the public to raise revenue because you are defeating the healthy provisions which every normal citizen would like to have in his home. I feel I must take this opportunity to bring this to the notice of the Government so that they can go back and look into this system of water rating. You are preventing people from having the ordinary conveniences which they would have. If you built any reasonable house you will want to have a bath, you would want to have water in the kitchen and a W.C., and a wash basin to share. You cannot have this because you have additional £6 to pay on top of £10 that is £16 whereas the Minister

and Government officials pay less than £7 per year and they consume more water or just as much. Whoever devised this system of water rating did not think what effect it would have on the average man in the town. There are quite a number of complaints and you will find it very difficult to collect these taxes. You will take the public to the court and waste more money fining them and when you compare the amount of money you spent taking them to court—so I call upon Government to look into the system of water rating about which there is general complaint to look into the system of water rating about which there is a general complaint all over the territory now and see whether they cannot devise a reasonable means of taxing people on water and absolute necessity without drawing their dissatisfaction for it.

Rev. S. Ando-Seh (Nkambe North): Mr. Chairman, Sir, I rise to make brief point on this water rating. Note should be taken that in considering people for employment and in considering other amenities in the territory the people of Nkambe have always been forgotten and no consideration has ever been given to the inhabitants and note should be taken also that the supply of water at Nkambe is inadequate and this is not a...(inaudible)...matter. Government knows that the whole of the dry season period is more amount of water which is supplied is only reserved for the hospital and the people are allowed to run to the stream and take care of themselves. In the raining season the supply is still adequate and people depend on rain water and buckets and government has not taken any steps. I am aware, Sir, that the water Engineer made a plan and an estimate of £1,000 was to be spent to increase the volume of water for the people of Nkambe that time government has not taken any steps to us, members who are from Nkambe it is no surprise because government has a vow that none of the amenities which are enjoyed by people who live in the Southern Cameroons should be extended to Nkambe. We want this note of warning to sink deeply to the heart of government that this rating of £10 which is imposed on people of Nkambe who do not enjoy the privileges of getting supply for the whole year is wickedness and lack of consideration for the trouble of the people, we are in no way warning government of the difficulties they will encounter to get this rate collected and our only hope; I can say that we do not normally look upon the government for any assistance.

Mr. Speaker Sir, I beg to sit.

The Parliamentary Secretary to the Ministry of Local government (Mr. J. H. Nganje): Mr. Chairman, whilst supporting the Leader of the Opposition I wish to make some points on what he said where towns are concerned and it is a surprising thing to see that there is only one water

point in this Town. The water supply is very inadequate. Since 1959 when we took over the Government this town of Buea has increased in population and we have still only one water supply. I want the government to register this.

Mr. N.N. Mbile (Kumba North West): I am very happy with the remarks of the last speaker. I was going to say, Sir, that this matter of the importance of water supply is such that our complaints cannot be over emphasized, this question of taxing, I mean, a man pays £10 for the first point and £2 for every subsequent point. Let us examine it closely. A man has a premises and has a pipe at the side, he will pay £10 for that one stand if he had to carry water in basins from that point to the bathroom and place the bucket at the top he would pay no extra because he is carrying the water in a bucket and placing it on a stool but just to connect a pipe there that point, so that he doesn't have to carry water in a bucket he has to pay £2 again for having that connection and saving himself the trouble of carrying water in a bucket. If he also feels that it is inconvenient for him to use the bath for washing his hands he would like a smaller receptacle at the side a sink or a basin so that he could just turn on a tap and wash his hands and for this he pays another £2 again for doing that. So that he can just turn a tap and wash his face. Yes, Sir, there is no need to shake your head. I have been threatened with what happened because I have been standing here taking on this issue. But certainly I have just returned, I have paid the last quarter. I am paying £12 a year for my premises. For having a standpipe, £10. For having a bath with a tap, a wash hand basin with a W.C. which would be calculated as an extra point. So I am paying £16 a year and I am £3 a quarter.

Mr. Chairman, Sir, that is the position and I am sure that if I can feel the weight of this taxation there are people who will feel the weight even more and the fear is that instead of encouraging people to provide these facilities for bringing water into all the sections of their homes, it will be limiting them because of these extra points. I noticed as a matter of fact, Mr. Chairman, when I did not have a shower in my bath my children have been more difficult than when I did have a shower. They were very happy with a shower and it was not so difficult in the morning as when we used to have a bath and I think that is something which Government should be happy to see. People should have facilities for children all round. I think that to tax men to have these health facilities only negatives the whole purpose. We cannot emphasize it enough, there must be a revision of these arrangements as it tends to discourage people. If I cannot pay anymore, they will disconnect my tap and I will carry water in a bucket. I

have only one point. Instead of getting the water to run which nobody pays for, I would have to carry it and, Sir, it would not be pleasant. We put this matter very strongly to Government for further review; it is not equitable to have these things the way they are.

Attorney-General (Mr. B. G. Smith): I should like to draw the attention of Hon. Members to the provisions of the Waterworks Regulations, 1961. It appears to have been overlooked by some members of this House that the Waterworks Regulations provide not only for payment of water rate at a flat rate but also, at the option of the consumer, at a meter rate. It is a question which the individual householder has to decide for himself as to which is the more economic rate for him. For instance, if you have got a house with two taps and there are a large number of people in the house, particularly children, then it will probably be very much cheaper to go on the flat rate of £10 per annum for the first tap and £2 for the second tap. If on the other hand you have a relatively small number of people and a very large number of taps it will obviously be cheaper for you to go on to a meter rate of 1/- per thousand gallons plus a meter charge of 1/6d per month.

The provision for metered water is somewhat tucked away in the Regulations as the very last item in the schedule—Q, Option of consumer for 1/- per 1,000 gallons. That is why at an earlier point in the debate when one Honourable Member was saying that he had got to pay a water rate at £10 per annum for the first tap and £2 per annum for the second that is not so. He had not got to pay at that rate. He elected to pay that water rate. He could if he wanted to come to the conclusion that it was cheaper for him to take this water at 1/- per 1000 gallons, but no doubt having worked it out he came to the conclusion that the flat rate was cheaper.

The Minister of Works and transport (Mr. W.N.O. Effiom): On this point we may just assert what my colleague the Honourable Attorney-General has just said. Government has indeed considered all the various classes of people in the territory before arriving at the rates fixed in relation to this water rate. As the Hon. Attorney-General has appointed out any consumer has the option either to use the flat rate tap, *i.e.* 12/6d public tap or get a tap into his premises and pay the £10 or use the meter system wherein you know precisely the volume of water you consume and pay accordingly. It is untrue that Ministers or civil servants pay less water rate than the general public who are not privileged to be either of these two. I doubt if there is any of my colleagues who pays less than £10 per annum for the first tap and subsequent taps accordingly. Now, that clears up the

point of members asking Government to look further into the question. I think it has been fair and the methods provided given individuals the option either to choose to go on the meter system or to go by the tap system. I appreciate the fact Hon. Ando She raised here that Nkambe is not fully fed. It is true that this...from Nkambe does not provide sufficient water and I can assure him that now that Government has introduced this water rate system it has accordingly assumed full responsibility for all urban water supplies. The question of extending water to these areas like Nkambe and Buea, as mentioned by Hon. Nganje I think it would be worthwhile for members to take this information and encourage all users of water, people who live in parts where the water scheme has been provided, to pay their dues regularly without difficulty. And the scheme giving large latitude for members to use their discretion which of the two systems they like to adopt. The Hon. Nyanganji raised the question of roads. I think I have made crystal clear the task of Government as regards road system. At the moment government is more concerned with the main artery which is the only road linking all Divisions, and that is the Victoria Bamenda and without this being completed it would be obviously too much if I were to stand on the floor of this House and say Government is thinking of taking over some of the N.A. roads. I think the responsibility of opening up this country lies squarely on the Government as well as Local Authorities and I would advise members who are fortunate to be council members in their various N.As. to take this point to them and warn the people demanding more roads that they should know the implication of opening up division community roads because they need maintenance. I think as far as water rate is concerned, option lies with all N.As. who I think are fully aware.

The Leader of the Opposition (Dr. E. M. L. Endeley): Mr. Chairman, I would like to rise on a point of explanation. It is unfortunate that I cut the Honourable Attorney-General's explanation at the tail. But I think I can make out the gist of what he said. I think that what he has explained and what I think would be the normal thing that people will be given the option of using the meter because the taps were installed after the assessment but not before. And before the assessment we had flat rates. I think of 4s 10d. a quarter or a month or something like that. But when this new assessment came round, I thought people would be given the same option. I would very willingly accept the option and I am sure that quite a good number of consumers of water would have accepted that option, that the numbers of points would be rated and not the consumption. But that is not the thing. I have in front of me here the assessment notice by the Area Engineer Victoria and following the

assessment notice I have received my first bill. I brought this because I want clarification and now as the Attorney-General has made the explanation I can argue my case with the Area Engineer Victoria. His letter to me reads, 'With effect from 1st April 1961, a new method of assessment of water rates has been adopted and according to a survey recently carried out you have two taps on your premises and based on the authorized rate of £10 per 1st tap; £2 per subsequent tap, your annual water rate will be £12'. I am sure if Government has given people the option of rating the number of points and not the consumption, many people would take advantage of it.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, this water arrangement has raised a point that has induced me to speak. It is true Sir, that water is a measure of taxation. It is further true Sir, that water is these services of Government to which people should be entitled, that is to consume freely. It would appear a bad taxation measure to equalize people on the water consumption. For example in the Buea Station here where you have beautiful buildings with people having income of not less than £500 a year and up-to-date premises if you were to levy a water rate tax in an area like this, surely it is understandable. It would be wrong to say that the rate of water in Buea Station should be the same as the rate of water in Buea Town, Kumbo Town or Abakpa Town in Bamenda; because once you tax a people you sort of draw their resources into the Government fund. Where people are income earners, you have no problem. With places like Buea town, Kumbo Town and other places where people subsist only by agriculture production, it would be very unfair to levy the same tax rate. I think to drive this point to the Minister for reasons I have given.

Mr. W. S. Fonyonga (Bamenda South): Mr. Chairman, sir, I wish to take this opportunity and register our strong protest from my Native Authority. The water supply in the Bali Native Authority was built by us out of our own resources...(interruption)...We have very few pipes around the Bali before making any form of assessment there. About a year or more I made a request for a reservoir, but nothing has been done. If Bali people prefer to fetch water from springs instead of from the reservoir because the taps are so few and everyone goes there to make them dirty. Mr. chairman Sir, if the Minister of Works and Transport takes these points into consideration we shall be able to consider the water rates in the near future. At the very moment Sir, I think it would be very unfair to collect money for water which he did not supply.

Mr. J. M. Boja (Wum West): Mr. Chairman, Sir, I am rising to ask the Minister of Works and Transport to press some doubts that are confronting me. Only when he stood up here and explain the water rate question he also answered on the question of road maintenance. There are two points that I am raising. Firstly, I was pleased to hear him say that the Government must be concerned with the main A roads. Then I wish to know from him whether he has been hearing the cry about the deplorable situations regarding the roads. One section of the road between Mamfe and Kumba is so bad. On my journey to this House I compared the conditions between the Northern part of the territory and the Southern part and if he knows this then what is he thinking about? What preparation is he making about the condition of the roads? I am quite aware of the construction of the roads, it doesn't mean that.....(*laughter*)..... I was also pleased when the Minister of Finance, Commerce and Industries also stated that we are again running at a loss, and I think there must be provision also for maintenance. When I was coming down here from home, as we drove down the road I did not see any hard section in that part of the road.

Mr. Speaker: I noted the question submitted by Honourable Member that 48B does not come within the scope of 547 but 548.

Mr. N. N. Mbile (Kumba North-West): Mr. Chairman, enough has not been said on this subject of water rating.....(*laughter*)..... The Hon., the Minister of Works and Transport has told us that there are two alternatives open to the public to choose from on this question of water rating. Now the points we made when we started criticizing this rating were: (1) That the system of taxing £10 for the first tap and £2 for any supplementary tap is unfair, that is improper, that it is excessive and that water being essential and not a luxury it ought not to be taxed so high. Tax drinks if you like, tax cars-although we have little public transport, tax drinks, yes, but water is not a luxury and therefore tax should not be placed on an essential commodity like water. Now £10 for the first and £2 for any subsequent point in the house is not an equitable price for the public to pay for water is it, that is what I would like the Minister to answer. The second alternative is this meter system. How is the meter system working? It no doubt measures the number of gallons and it says so much you will have to pay per gallon, so many gallons for so much. Now, is that itself an equitable system of taxing people? If a man had six children and those children need water to drink, he is alone and his wife and six children, and the public may say it is the responsibility of this man to pay for the water those children use. Indeed, on the surface it looks like that, but is it fair, is it equitable? There are countries that give even milk or food to children on either a free basis or at reduced rates, and a

country that cannot even give water to those children- then the future taxpayers and the future soldiers of that country, then that country has not started serving its people yet. Therefore, Mr. Chairman, when we are asked to decide on the two alternatives, in my opinion they are not fair. If you have a tap on your premises you are a householder and people felt that such a man should be somebody substantial and they said something like £3 for the tap on your premises and may be 5/- for every additional tap or something more reasonable, and you give us an equal alternative on the other side we can be free to choose but asking us to choose between two such difficult alternatives doesn't help the public. That is the point I think the Minister should tackle. Water is essential to the community and it is not right to tax it so heavily. And if the point has been made that you have objections and the objections are both difficult, then that is good enough. That is the point Mr. Chairman which I was going to make. I was going to ask Government to realize that if you are going to choose between two alternatives then those two alternatives must be equally balanced. So what are you asking me to choose from? You are asking me to choose from, you are asking me to choose between the devil and the deep blue sea. My contention is that water is so essential that I should not be asked to pay so much. If a country cannot give free water to its citizens who cannot pay then we should pay, I agree, but the poor man with children who need plenty of water should not pay. I think it will be a bit unfair to imagine that merely because a man's compound uses so much water he must pay so much money because when you break it down the persons who are using that water are charged on the estate itself. And, indeed, in some cases, like the water supply in Kumba- let us go now and see how it is established. We have a natural reservoir up the hill and all that we did was to use the money given to us from the C.D.C profits to establish a water supply and the water runs down by natural gravity and even nature helps. And then the government turns round to tax this water and, quite frankly, I think government have done very little except in the running not in the actual establishment of the water supply in Kumba. The money was provided by C.D.C. profits and Native Authority Grants and quite frankly it is not very fair to ask me to pay for. It is true that is what I am paying for and I dash down to Buea and they keep the taps running and I pay £10 at the end of the year. Sir, I think, I shall ask Government to look into this because water indeed is essential and on an essential there ought to be reasonable taxation.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Mr. Chairman Sir, I think of the honourable members who have spoken so adversely against this water rating look at the problem from a different

angle they will not be so surprised. First of all, what is this water rating meant for? It is wrong to think it is a taxation, it is a prudent measure taken by the government to finance any break-down in the water system. Take for instance if the N.A. has got a water system established as the one in Bali and suddenly there is a tremor and the system is shattered and the pipes burst, what happens?.....(*interruption*).....These are facts which we must face. It is a wrong idea to have that all those fees which have been collected have gone to the general revenue of the government, not at all; it is a reserve for running repairs, for meeting emergency break-downs in water supply. I was a bit shocked when I heard from an honourable member that they were given the government warning to take away the tax in a particular area. The Honourable Member from that particular station mentioned that the people were drinking dirty water from the gutters: we know life is dearer than anything and I know people who have spent hard earned money to buy clean water at 6d and 2/- per tin if you look at the general rate of 12/- it means 1/- a month and perhaps less than a fraction of a penny a day. Now if you take the question of rating by points which you have in a house, well I think if you say it's excessive, certain measures have to be taken; it depends how you base the cost of the assessment. I want to compare this. When a man says it should only be a flat rate. This question has arisen because the water system is being run or controlled by government. Now supposing we had a corporation to run the supply of water as you have the electricity corporation to run the electricity system in the same way you get a point for your electricity, the more electricity you consume the supply in your house. If someone allows his electricity to run he has to pay more. You take an individual, let's say he has one tank he can consume more water than a man who has four tanks he may have a garage for washing his lorries and running a transport service and he has only one tank, you save on that. The point is that members should not go home and try to discourage people not to pay the rates if they do so they will not be helping the country. Rather they should explain the measures taken and why the government is adopting this water rating. I do not support the idea that it is a taxation. It is getting money and keeping it for the people.

Mr. Chairman: The Honourable Members have spoken their minds and the points raised on this side have been sufficiently made clear. It is high time they brought the debate to a close.

Mr. P. N. Motomby-Woleta (Victoria South-West): Sir, I want to speak specifically on the water scheme for Victoria, there are two snags I have noticed in the water scheme. The first is that applications for connection

of water to private premises are being shelved with the excuse that the contractors have to place only public stand pipes and that it would be a responsibility...

Mr. Chairman: The subject of Victoria Water Supply would seem to be more appropriate to be raised under Head 563.

Mr. Motomby-Woleta: I would like to make another point: Local transport and travelling. I do not purport to be the mouth-piece of the members of the House of Assembly but already there is a slight rumpus amongst members of this House on the way their own transport is being handled. While we were members of the Eastern region, Sir, we also had rebate for the petrol we consumed in our private cars; it was held that travels of Honourable members was in the best interest if the member had to go after his duty properly...

The Parliamentary Secretary to the Minister of Local Government (Mr. J. H. Nganje): Standing Order 24.

Mr. Chairman: The Honourable Member is out of the point. The objection is upheld.

HEAD 547—PUBLIC WORKS

Question—“That £5,065 under Head 547—Public Works stand part of the Schedule.

Question put and agreed to.

HEAD 549—MISCELLANEOUS

Question Proposed—“That £18,745 for Head 549—Miscellaneous stand part of the schedule.

Mr. P. N. Motomby Woleta (Victoria South-West): Mr. Chairman, Sir, I may have the right to speak without interruption this time, I would say that I will come to the point straightaway on the Victoria Water Supply scheme which lodged without... Mr. Chairman, Order, order. This point has been discussed. The question is that the sum 18,745 pounds under Head 549 stand part of the Schedule.

Question put and agreed to.

HEAD 555—AGENCY SERVICES

Question Proposed—“That £15,907 for Head 555 Agency services stand part of the schedule:

Mrs. N. J. Mua: I stand to support this head on page 19. I wish to ask the Government that when they are recruiting this Police, women Police should also be chosen. In other countries, women have proved that they are fit to become police. And they can work more or less as men. We have the Police training centre at Mutengene and I think this will solve the problem. Page 21, 11 (1) One teacher. I wish to ask the Government that in appointing this teacher she should be a woman who will be able to teach the criminals and help some of them to stop their evil ways. I also praised the Government when recruiting wardresses and also telephone operators to be females. Now I think everybody will join me to praise the Government for trying to push the woman to move abreast with their main folk. I beg to support.

Mr. S. Moffor (Bamenda Central East): Mr. Chairman, Sir, in Head 555, sub-head 29, I rise to emphasize that the Police mobile Wing should not concentrate in an area where terrorist activities are not infested. I feel that an area like Santa, Balighan, Tombel and Ndop Plain...(laughter)... They should also check men who are sitting, refugees on this side of the territory, it is necessary to report to the appropriate authorities or the local village heads. Sir, I feel that I have to congratulate this important item being included in this Supplementary Appropriation Bill and Government should take single steps to see that these Police should be posted to all these terrorist infested areas.

Rev. Ando-Seh (Nkambe North): Mr. Chairman, Sir, while we are on this Head and talking about Police Mobile Training at Jakiri, we would like to know what has become the position of our Police Force as a Federal Subject. We would like to know the relationship of the Gendarmerie and our Police Force in the Southern Cameroons. I feel Sir, that our Police Force might become what is known as a local Police Force or body, a Native Authority Police force and no statement has been made on the floor of this House to clear doubts of the Members of this House which we are entertaining. It should also be noted that at the Bamenda conference which took into consideration all changes of opinion in the Territory, and Chiefs, that we shall retain a strong Police Force in the Territory. But as things seem to run now, we are not aware of what will be the position of our police and if our police Force has gone and the going away of British

officials and Nigerians, we will rest assured that everything, even our local system, will be going along with the Police. If a strong Police Force is not retained because our local system has died, we need to hear something very definite from people in charge of Police as to what the position of our police will be. I understand that by the 30th of this month the Police Force will be paid off for their services which they have rendered to the Nigerian Police and no statement has been made of their future. I think this is the appropriate time for the quarters which know better in this position, to make things clear, otherwise we will go away ignorantly even more ignorant, than the public we represent.

The Premier (Mr. J. N. Foncha): Mr. Chairman, Sir, I think I have just a few remarks to make about questions asked by members. The Honourable Mrs. Mua requested that more women wardresses be recruited. I want to say that so far Cameroon women have been well behaved. It is our hope that we will be able to keep crimes of our women-folk as low as possible and encourage to raise this prestige of our women-folk in order not to have a disgraceful community. I consider it a point of very grave importance for women to be rushed to the prison and for that reason instead of recruiting more women wardresses it is necessary for us to keep a few in one of the prisons instead of keeping there in all the prisons of the Territory. The point will be to go all out and discourage women from committing these crime... and so far the court have been reasonable and have not been...continue to be made to them. Now the Honourable Rev. Ando-Seh raised the question of Gendarmerie, as part of the military Force from the republic of Cameroon who will shortly be over this side. So far the policy has not been laid down as to what should be the rules of the Gendarmerie and Police. It has been agreed the Southern Cameroons Police is a State responsibility and that they will do exactly the same work as they do now. They will be responsible for all arrest and all questioning and when the policy is being laid down it is hoped that it will be the place of the Southern Cameroons police to receive prisoners and question and take them to stations and not the place of the army, but this policy has got to come from the policy makers, from the two governments and not for the armed men themselves. I can assure the Hon. Members that that will be made shortly, but the rumour that the State Police will be reduce to be ordinary Native Authority orderlies is quite on founded. It is recognized by them in the Republic of Cameroon that the Police Force will act as a well maintained force in which more confidence than most of their own police and this rumour that they will be reduce to ordinary messengers will be dispelled. I can assure Hon. Members that this rumour is unfounded and should not be carry much further than we hear it. Some people feel that by reducing the Police we are escaping responsibility, we

are reducing their pay. If for the purpose of getting more money they would like to become members of the Gendarmerie, there is no rule in the present Constitution for that. When the time comes to create a federal Police then at that time Cameroonians from both side will be enlisted, but so far that arrangement has not been made and the policy has not been laid down, so nobody can say whether there will be any Federal Police Force in future. If it is necessary for us to train a part of our own boys as Gendarmerie they should be willing to take part with equal rights as boys from the other side. So we should not be unnecessarily frightened at the thought of gendarmerie. Some of them are in the State of Southern Cameroons and we think, coming in here they will see what is happening and they will take to it. It is agreed that any offence in any of the States will be published by the State and not by any other law. I can assure Members that that fear should not be spread too far. The posting of the Gendarmerie is already being considered. The posts of the Mobile Police Wings is considered. We should not spread them much too far. They will operate as a unit to support the ordinary Police action. They can run to any part of the Southern Cameroons whenever they are call. Part of it will be stationed in Bamenda and part in Kumba, so we will not spread their activities much too far, but they will be available to any part of the State of West Cameroon.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, Sir, after listening to the Honourable the Premier, it became necessary for me to say a few things. One point that the Hon. Premier has made is about the Police. The Premier has said, not mentioning the words here, that Police service becomes a state service. In other words, Sir, Police will be controlled by either a Minister or Secretary of State, as you will call him in the next set up, and he would have his false loyalty or false duty to the Minister. One of the reason Sir, why in the arrangements for the Federation of Nigeria it was necessary to make Police a federal subject, because it was to avoid having a situation on which a political party was going to use Police Forces for their political ends. I am sure, Sir, the thought that we have separated from Nigeria and are going to join the Federation of the Cameroon Republic is revolving affairs. And I think the position, if it is as the Premier has put it, it would be regarded by me as unsatisfactory. I would like to hear the Premier say that he would further negotiations to try to make the Police Force a federal subject for one very important reason, and that is the fear that a political party—I am not saying any party because any party could take up government—but I am saying that it would be wrong to let Police with arms and ammunition to become a state service, because the dangers are there. Along with that, Sir, perhaps I can make one other

point under 'Prison'. I am not sure I am right in this. I do not know whether this goes, but I think I can make the point here. The point is the information that at the Bokwaongo road in Buea, there is a sort of concentration camp. This frightens people. It gives the impression that security and safety in the territory is at stake; it is bad psychology.

The Minister of Social Services (Mr. A. N. Jua): Mr. Chairman, Sir, it might be necessary for me to remind Members that it is provided in the Federal Constitution that the institution that exist in the States shall not be interfered with by any federal law. The institution of Police is one of these institutions which we value very much and we do not foresee the day when Police would be reduced to, save, messengers of the State. There have been rumours like that, but I think it would be necessary for the Members to educate the general public that there is no such thing. Government is not interested to reduce the Police into a gang of messengers. If one reads the Federal Constitution one would see that article 18 provides that if any law is passed in the Federation which is considered by members of any one state to be contrary to their own constitution, those members could vote against it. And if those members vote against it, the law will not go through. I am sure that is sufficient safeguard for the Southern Cameroons. If, for example, a law is passed in the federal Government to, let's say reduce our Police to messengers, we just don't vote. Therefore, it would be very important for members to educate both the Police and the public we have sufficient safeguard in the Constitution. And also if I may call the attention of members, the Commissioner of the Cameroons has established a Southern Cameroons Police Force which came into existence on the 1st of September, 1961. If I may refer members to section 3 of this law that the Police should be employed for the prevention and protection of crime with which they are directly charged and shall perform such duties within the Southern Cameroons as may be required of them by the Commissioner of Police of the Southern Cameroons. This means that the duties for which the Police are charged are enshrined in this proclamation and one cannot see a time when these duties will be taken away from the Police. Also if I may, one member has suggested that because the Police is a State matter, it therefore, means the concern would have to come under a State Minister. I would like to say this is not true. I would like to call the attention of members to Article 35 which says "There shall be a Commissioner of Police whose office shall be an office in the Public Service of the State. The West Cameroon Police shall be under command of the Commissioner of police. A Commissioner is a Police, is therefore the only man who will control the Police Force not the minister. One other thing which the Honourable

Lainjo raised is that there is a concentration camp at the Bokwaongo road in Buea. What is at the Bokwaongo road is a camp where criminals of the worst type are kept. We get these sort of people together because one never knows what such men can do. Definitely as the Premier has said there is time. This matter has not been given full consideration yet. I hope that as far as the final decision on this matter is concerned the general decision will be taken.

Mr. Speaker: Order, order, the question before the House is that £15,907 for Head 555—Agency Services stand part of the Schedule.

Mr. F. N. Ajebe-Sone (Kumba East): Mr. Chairman, Sir, I rise to make a brief remark in connection with this Police Mobile Wing and its related services. With no intention to discredit the Gendarmerie rumours either false or true go to say that the Gendarmerie in fact get involved in these terrorist activities so, we are appealing to the government that steps be taken to see that our Police Mobile Wing should work hand in hand with the Gendarmerie. Any other point which I have to make is that in many cases the people will be frightened by the new Gendarmerie from the Cameroon Republic and so will suggest that the in case the Army from the Republic is...(*inaudible*)...our own Police must move hand in hand with this men, otherwise out of sheer fear innocent men will be mistaken for being terrorists, Already the fears of our people have been heightened since the advance party of Cameroon Republic soldiers arrived in this territory so there are quite a lot of mistaken ideas about this Army and some administrative action should be taken to consult with the N.A. to enlighten them about this position before the 1st October. I feel that some administrative action should be taken so that when they produce arms the people will appreciated the services of the Cameroon Republic Army. With this remark, I beg to support.

The Leader of the Opposition (Dr. E. M. L. Endeley): I rise again because this is a very extensive head in as much as it covers Agency Services which were normally carried out by the Federation of Nigeria. I refer to the postal services in particular. The public makes use of the postal services for one or two very important things for stamps to post their letters to any part of the world and for Money Orders to dispatch money relations or to purchase materials from other countries. I wonder whether the Minister of Finance or anybody in the Government bench can give us some enlightenment as to work is being done to replace Money Orders because from notices we have read recently the Nigerian Government is withdrawing their Money Order system and I believed they will also

withdraw their stamps. I understood sometime ago there was a competition for Southern Cameroons stamps. I do not know how this will come into use. We are only two weeks away from the change some of these things ought to be put in readiness for use immediately on the 1st of October. Over the questions of Money Orders I cannot quite understand if we are going to use Nigerian currency till the end of the year and if Nigerian Money Orders are withdrawn before the end of the year under what currency shall we change our Money Orders. Can we now transfer money to the other parts of the world? These are questions that the general public would like you to answer. On the question of postal services we would like to have an explanation of this. After we have an explanation I would like to raise another point or if the Minister feels he can answer both points then I would like to raise something about Aviation. Our principal airport have been under the control of the Nigerian Civil Aviation, Preparations are being made now to change the personnel and administration into our own hands and what about air services in which direction shall our mails go, how do we get out of here to other parts of the world. Will we continue to fly westwards, or do we fly eastwards, these are very important things. For instance I would not like to go to Ghana by Nigeria Airways and find that my ticket is worthless unless I get an Air France ticket. This demands some public statement in clarifying these points. Merely to give us a budget is not enough. What about aero planes will the Nigerian Services continue? Is the government of the Federation, the new federation going to provide Air services to give us one international link which we have had with the Nigerian Airways? These are questions I thought I should ask on behalf of the public.

Mr. S.N. Tamfu (Nkambe Central): Mr. Chairman, Under the Posts and Telegraphs we have an important question. It is understood that from today all our postal Agencies in the territory will be close down. We want to know that arrangements have been made. In the grassland we have only one Post Office that is in Bamenda. What about the services in Nkambe, Bansa and other places, we want to know what arrangements has been made.

Mr. S. Moffor (Bamenda Central East): Mr. Chairman, Sir, I rise to speak on Head 11 of Item 55. V.H.F. £500. I have been happy about this because it is very easy for one to get through to a friend at Bamenda. I have had series of communications from my house in Bamenda and I have got a lot of information which I required, so I just rise to congratulate the Government and I feel more stations should be connected in the Southern Cameroons and other countries and we shall wish that this extension should be given to all towns in the West Coast of Africa, mostly

Ghana...(laughter)...I have quite a number of friends in Accra and I wish to communicate with them. Thank you very much.

Mr. S. E. Ncha (Mamfe East): Sir, we of Mamfe Division are very much worried over the lack of telephone services in the Division as it is in Victoria, Kumba and Bamenda Divisions. We do not know what lines the Minister of Social Services has had. There are rumours that the materials ordered are lying in Yaoundé or Douala, we do not know which, but we should like to know.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Mr. Chairman, Sir, I appreciate in particular the points brought up by Dr. Endeley, particularly the question of stamps and money orders. Earlier this day when I was replying to certain questions I remarked in passing that delegates from the federation of Nigeria and delegates from the Cameroon Republic met here a few days ago and considered how best it was necessary to take over the postal services and now I want to assure members that all the details concerned with the running of postal services in order to make matters easy for the inhabitants of this territory have been well handled. For instance, the question of stamps. Although we shall still retain the Nigerian currency after the 1st October, new stamps will be issued. They will probably be overprinted with the English value. For instance, you may have a stamp originally made with the value inscribed in French; it will be overprinted in sterling value to make it readable by the people of Southern Cameroons. I want to assure you that these are matters which our experts have considered and the Government is taking care about them. The question of money orders also is rather a tricky one, but I can assure you we have an expert from the U.K., a Banker from the U.K.—I don't know where about he is at the moment in the territory, and also a banker from France, and these men met here to consider the problem. I am not better than you are, a layman as you are so that doctors' prescription for the good of you is as well as for myself. I feel sure with the confidence given me by the experts that the postal services are not going to break down. The member from Nkambe mentioned the break-down of postal services there. Well, the Commissioner of the Southern Cameroons took steps to get certain Cameroonians trained in order to handle the postal services in this territory. I must express the regret which this Government has about the training of Cameroonians in order to replace the Nigerians when they are withdrawn. It has not been easy for us because postal services, as you all know, have been in the hands of the Federation of Nigeria; however, we have been successful to get a few Southern Cameroonians who are doing some training and we want to see how best

we can use them for the interim period. The question of aviation has not been forgotten. The delegates from the Cameroon republic left there this morning after studying the problem. All met there and got in touch with their counterparts in the Federation of Nigeria and discussed the problem together. About the question of flying either westwards or eastward I think it does not arise at all. It is only left to the individual who wants to fly to the direction. We want to maintain the link with Nigeria. If you want to fly to London via Lagos you will still take the West African line. We are not going to break the air communication between ourselves and Nigeria and we know that air travel is link with the greatest countries irrespective of what nationality or language they belong to, so we are happy if you want to go to London you can go to Douala and take five hours to Paris and then London, or if you do wish to travel for five hours to Lagos and then on to London it is your luck. But this communication will still be maintained, by the Government of the Federation of the Cameroons. Mr. Chairman, I know that where we have air services running smoothly at the moment, there is no getting away from the fact that we are encountering certain waning period. I want to tell the Honourable Members that if they want, if they are having any difficulty in flying to Lagos or to Douala or Yaoundé, that they can't get their way through, they should ask for some advice. I should be pleased to give it...(laughter)...Mr. Chairman, Sir I can't continue with this type of opposition...(laughter)...

The Minister of Social Services (Mr. A. N. Jua): Mr. Chairman, Sir, I stand up to lay emphasis on one thing which Honourable Ajebe-Sone has made in his House. It is about the Police Mobile Wing and the role which, or rather the role which would be played here by the Gendarmerie. It is the intention of this Government not only to preserve the present strength of the Police Mobile Wing which is now being trained, it is hoped that this will be increased as necessity arises. The reason why I want to talk about this is because many people have asked this question. 'The British Army will leave, what next, will it be disaster, will it be war, will this place now become a terrorist ground for launching their offensive' The answer is no. There will be no vacuum whatever, Sir. The British troops or Battalion will be away from the Territory about October 2nd but surely before that they will be replaced by an agreed Battalion from Republic of Cameroon. All of us are aware that it was this Government's intention, it made repeated requests to Her Majesty's Government to station the British Battalion here until such time that conditions permitted it to leave, but we all know that this request has not been granted to us. The only thing left for this Government to do is to ask the Republic of Cameroon to

allow a Battalion to be agreed to station on this side of the Territory for the time being. This Battalion must be an acceptable one; it will form part of the first force and also I want to say at this stage that this Government has also plans to train—or rather only this government—it is planned by the Federation Government to train the fifth Battalion which will be permanently stationed in the Southern Cameroons. This Government has gone further. Requests have been made to the Federation of Nigeria to release all Southern Cameroons who are serving in the military of the Federal forces. We understand, we are informed, that this has been done and we hope before long all Cameroonians who are in the Nigerian Military Forces, will return to serve in this country. Therefore, there can be no question of a vacuum. Further, all scares that this place will form a base for terrorists should be dismissed. Government is taking this step to protect the lives of the people because it is the duty of the Government to do so, so these steps have been taken and it is hoped that the public will co-operate with both the Government and the soldiers to see that peace and order reigns. Honourable Ajebe-Sone said that there is a misgiving or rather it is felt, that the incident at Ebubu was caused by Gendarmerie. It is difficult for us to give an answer, for this Government or for the Government of the Republic to give an answer. But what has happened is that a high-powered commission of inquiry has been instituted to look into the incident. If it will be discovered that the Gendarmerie is responsible for such an incident, sure steps will be taken to punish whoever were responsible. I think it will be necessary for Honourable Members to inform the general public that this Government is taking steps to see to it that the lives of the ordinary men in the street are protected and that there is no disorder in this Territory. We know of subversive publications in news papers, not necessarily in our news papers, but newspapers operating outside this Territory, covering such...have been made. It is in our plans at this particular moment, which is so important, to explain the situation and to take it upon ourselves the responsibility of telling the public and preserves peace and order. As I have said before, this is an important issue and it is a matter where we cannot afford to doubt. The Minister of Finance was trying to answer the question of how people can get out of here after October 1st. It is obvious that surely the way to get out of here will no longer be west. It will be Tiko—Douala and out.

The Leader of Opposition (Dr. E.M.L. Endeley): What arrangement have you made about it, don't tell us a long story.

The Minister of Social Services: I want to say that this is not a long story; this is the way to get out. Surely on October 1st we will no longer get British passports; everyone knows this and we will get Cameroon Passports. Arrangements are already afoot to communicate Tiko and Douala.

Dr. Endeley: What air services, Sir?

The Minister of Social Services: I do not know, it isn't the name that matters. We feel confident, we are satisfied that there will exist a means between us and the outside world to get out of the Southern Cameroons. Mr. Chairman, Sir, I think I have clarified particularly a few points on this defence question which I think is very important.

Rev. Ando-She (Nkambe North): Mr. Chairman, Sir, I rise to make a few points again on the question of defence. As the previous speaker has already mentioned the incident at Ebubu; at the Bamenda conference the chiefs, Native Authorities and all political leaders of the territory made special remarks about the incoming of any foreign troops. They were emphatic at this time that no foreign troops, the Gendarmerie should not come in the territory, and more especially not to use the weapons which they are so familiar with. But, Sir, it takes us back to see that arrangements have been concluded without these opinions being consulted and we would be more surprised of other events which might take place on the territory. And rumours have it that it is the Government's desire to extend the line of patrol of the Cameroun Republic's army. If we take into account that the wider breadth of this may only be about 26 miles and when we take note that the Cameroun Republic as rumour has it, has requested to be allowed to chase terrorists even up to 5 kilometres to Banso. In our territory we have...and to be noted again that it is to be the request by the Government of the Southern Cameroons, that troops of the Cameroun Republic could go as far as something in the neighbourhood of ten miles inland of the land of the Southern Cameroons. We are left with no other choice than to feel that that our destiny is in a way sold somewhere and we shall be surprised one day to see that the entire breadth of the Southern Cameroons will be surrounded by troops whom we don't know. As one of my colleagues already mentioned our people are not familiar with use of arms and we have not yet familiarity with this idea of what to say if we are confronted by foreign troops, whether to say 'surrender' or 'Surrendez' or what...*(laughter)*...Mr. Chairman, Sir, we wish that this haste, this rush of Cameroun Republic Government to bring in foreign elements which will frighten the people of the Southern Cameroons be seen as a great

danger to the men and women we represent and we will humbly ask the Government that the goal of unification has been won but that care need be taken of how they are rushing to renew things among the people of the Southern Cameroons. And I would like again to point one thing about the incident at Ebubu...

The Minister of Social Services (Mr. A.N. Jua): Point of order, this matter is under consideration and need not be raised on the floor.

Mr. Speaker: Order, order. The Honourable Member will continue.

Rev. Ando-Seh: Twelve innocent lives were taken away from the population of the people of Southern Cameroons. One would have thought that the Premier and Government at large should partake in the great concern, the threat of what has happened, but I am very surprised. A sum of £50 was issued as compensation...

Mr. Speaker: Order, order, would the Honourable Member please be relevant to the point at issue.

Rev. Ando-Seh: This point has been made and we believe that the Police and Agency Service will be a grave concern of the people who are concerned and to make every effort you will give us assurance because we are all living in fear of the unknown tomorrow.

The Minister of Natural Resources (Mr. P. M. Kemcha): Mr. Chairman, Sir, I rise to make a few remarks. The Leader of the Opposition had wanted to know whether as from 1st of October he shall be flying out following east or west. Mr. Chairman, Sir, I think this is all linked up in the Constitution because if we all were to go back to the Constitution we would see that it is among the subjects, in item 5, and I do not think it is we on this side of the House who claim victory for whatever the Constitution is. As a matter of fact some amount of debate has been done about the Constitution and the motion of it talks about the leaders of Southern Cameroons and not leaders of the K.N.D.P. And I think the Leader of Opposition himself has made very valuable contribution to the Constitution and I think that he ought to know what Item 5 stands for. He ought to know what it is. And if he had been in doubt as to what it stands for, I think he should have also been embarrassed because he contributed to the constitution which is before us. Mr. Chairman, Sir, I then go to the point raised by the Honourable Rev. Ando-She about foreign troops. I think it is only proper for anybody to know that it will be improper

or constitutionally improper in a federation to have different types of troops. He had already talked on what we agreed in the Bamenda Conference that the Southern Cameroons will have its own troops. He ought to realize that even if this was agreed it is impossible for a country like the Federation of Cameroon to be formed after 1st October to have different troops. I think if the Southern Cameroons had its own troops then the Cameroun Republic had its own, I think at any one stage one of the troops will become very strong to overtake the other. That is the thing that makes a country unpleasant. Sir, I did not expect a Honourable Gentleman to raise this point because even if it has been agreed in the Bamenda conference, we ought to realize that it was something perhaps which exist in theory but not in practice because in practice it will be very bitter. He has already talked about the donation of £50. I think in fact it was not compensation as he said. We all know the lives of labourers. If anything happened to a labourer, it might happen that such a labourer had not had a saving of up to £10 and if anybody happens to be there he would give anything to help the labourer's wife or so. This does not constitute compensation as it was said. It is improper for us to say so. It is an incident which all of us sympathize. A commission of enquiry is going on to find out. We ought to know all of us that it would be improper for us to say such a sum was given as compensation. It would be improper. So, Mr. Chairman, these are the few remarks which I wanted to make.

The Leader of Opposition (Dr. E. M. L. Endeley): Mr. Chairman, I only rise on a point of explanation. There is nothing I dislike too much as distortion. It appears some of these gentlemen don't understand English...*(interruption)*...My point was quite clear when I said to the Minister of Finance because you just don't get men flying into a country without an arrangement. I asked whether this agreement would be made with an airline in the Republic or with Nigeria or an airline elsewhere. It is as simple as that. I don't think that this gentleman who calls himself the Minister of Natural Resources couldn't understand the simple thing I said. If we see that no arrangement has been made, it is for us to remind the Government that such an arrangement should be made otherwise we will find ourselves completely cut off. If we don't come into an agreement with even the Nigeria Airlines they would be cut off. Now we are not the operating force. The operating force is in the capital of the Federal Republic. It is just as wise that we contact the authorities in the Republic that they come into some international agreement between them and Nigeria to allow foreign planes to land in our air port. It is as simple as that. If you don't understand these things you had better keep quiet. The other point I raised has nothing whatsoever to do with the constitution.

When we come to talk about constitution I don't need a Bangwa man to come and teach me...*(interruption)*...

The Minister of Works and Transport (Mr. W. N. O. Effiom): Mr. Chairman, on this point I wish Members of this House to know that as far as civil aviation is concerned, a meeting has been arranged which started yesterday in Buea. I want to assure members of this House that this matter is receiving careful attention. I like to share my information with hon. Ncha on this question of telephone service. In fact I was equally worried when the announcement that Buea and Bamenda now deserve telephone services and then I was assured by the authorities concerned that work between Mamfe and Batibo is going on and I think soon Mamfe will come in the line.

The Minister of Finance, commerce and Industries (Mr. S. T. Muna): Mr. Chairman, Sir, I did not want to speak again, but I think that the Minister of Works has no more no less repeated what I said. I mean to show you that Government was not sleeping on this question of civil aviation. Now, apart from that fact Sir, I want to lay emphasis on the £50 paid by the Honourable Premier to those who were bereaved in Ebubu. I think it is most unnecessary to bring such a well intended action on the floor of this House. The Premier was deeply concerned and so was the President of the Republic over the incident and the Premier took pains and paid a personal visit and out of his own personal pocket took out £50 to give to these people and here you are making a mockery out of such a donation. My second is to the Honourable Rev. gentleman who raised this point. Whether he had actually appealed to the public to make a donation to those who were bereaved? However Sir, I want to acquaint Honourable members that the donation made was a personal donation by the Premier. Whatever may be the outcome of this investigation the Government will in its own way at its own time give the necessary compensation.

Mr. N. N. Mbile (Kumba North-West): Mr. Chairman, it appears that the debate on this Head has been rather lively this afternoon. I would say that it has been lively perhaps it was made lively by the way the Minister of Finance answered a very simple question by saying that you just jump into a plane and fly east or fly west. That certainly was not the type of answer we expected. It is very obvious that even a child knows if you want to go to Lagos it is west you fly and if you want to go to Yaoundé it is east and if the Minister of Finance thought that is what the Leader of the Opposition wanted to know that is why the debate has been so lively.

A man just doesn't take his portmanteau and go to an airport and expect a plane to be standing by. There must be an announcement or information from the authorities concerned as to what existing arrangement there are for traffic. It doesn't mean that because we are breaking away from Nigeria politically there are no business or holidays or for other reasons people shall not travel to Nigeria. There are thousands of Nigerians in this country and these thousands will continue to be with us for many years, it may be forever and because we have broken away from Nigeria they need to travel to Lagos and Calabar. I am sure people of Nigeria will wish to travel. Therefore, Sir, there is need for information on how persons can travel on the 5th October or beyond or if that information is not complete the answer would have been Government is looking into this matter and a full statement will come out later. That we should go to Tiko and fly east or west is no answer, or if one is in difficulty come to Buea is no answer a man wants to travel to Calabar, he doesn't come to Buea to ask the Minister how he is to travel. I am sure if the Minister was serious he would find a huge queue every day at door, people wanting to know how they will travel. This is quite a serious matter Mr. Chairman, because we know that we have not stopped travelling, we will continue to travel. We are only two weeks to that date; that is not much time if something has not been done or is not being done immediately. Now I wish to say a word about defence. The Minister of social Services did mention when he was speaking that a Fifth Battalion would be posted here which would more or less be organized on the British system of Military training, it will soon be set up. I would be very assuring if we knew when that Battalion will actually start, when will it be established, will it be on 1st October, or before 1st October, because there can be no gap in a matter like defence. There cannot be an interval of two weeks because that may be a critical interval, by the time you rush to our friends in the Cameroun Republic to request for Gendarmerie. I don't know how to pronounce that very well. Over here the Mungo Bridge may be blown up; you will find you cannot do it. I am informed Mr. Chairman that soldiers, Southern Cameroonians who are in Nigeria Army have been authorized to return and if my information is correct that they are in fact on the way by today or there about some of them will be leaving Lagos for the Southern Cameroons. Now the question is what they are coming here to do, what will they do on arrival? It takes only a few days from Lagos to this place. Will they be running around the country or will they be for the time being under the command of the Gendarmerie who are arriving or will they be a force by itself? Where will they be stationed? Well, this is a very important question. What will happen to officers? Is there an enlisting organization straightaway to handle the training of these soldiers? There are matters which I would

agree with one of the speakers from the Government bench is not strictly a matter for one man, it is not strictly a matter for Government party. If they have difficulties about what to do and they think it is constitutional matter we have had all this time at our disposal to discuss these matters and to have discussions on what to do. We are free to ask questions in order to know what is the existing arrangement. We want concrete answers if there is no knowledge the answer should be there are no arrangements and we will press for immediate arrangements to be made. It will be very demoralizing for these men to find that they do not fit in here. It is not strictly a state matter, the army is not state it is Federal. What arrangements have the Federal Authorities made, who are these Federal Authorities as a matter of fact. These are questions. It is not use pretending that there are answers. We should meet where the position is difficult and then we shall all come together to find an answer to this problem, because, indeed as I stated earlier Mr. Chairman there can be no question of a gap. Two weeks away from this day to October 1st, the British Army moves. The British Army is not going to wait on our convenience it moves out, its ships may be steaming from Liverpool or Plymouth now and when they go our friends on the hills at the foot of the mountain will just march in at the time we are waiting for meetings to be held to decide what to do. You may be surprised to know that they are so up date. All a man needs is six hours when you are not on your guard and he captures you. So I think Mr. Chairman, instead of warming up into something which is going to become pandemonium we shall really appreciate the spirit behind our questions. And, Sir, to say only a word—and I would like this to be a closing word on this matter. A humorous point was made about £50 which was given to dependents of the deceased workers at Tombel. If the feeling is that it was an improper thing for such a point to be made because the intention of the giver was well-meaning and good, then our best attitude should not to be repeat this point, because by repeating this point we are really emphasizing what we do not feel pleased to have here.

I would say, frankly, without seeking leave of my colleagues, we did not intend that statement to weaken the effect of the spirit behind the gift. It was something we all felt very much and if the Premier went there in his personal capacity and made this gift I think it is a gesture which was made by the Premier by this gift. I am sure I am making this point on behalf of my colleagues who made this remark and who, I am sure, did not intend whosoever to go outside what I feel was a bit of Parliamentary humour. So, Mr. Chairman, I would like the Premier to say a word about this that we have said. We know he means well as an individual. The incident is unfortunate and we are all hoping that it does not recur, but this is one of those prices which we are sure to pay for the decision we have taken. It is

not a joke, this is one of the prices and some of us know that these prices are going to be very heavy and there will be more to pay. What I hope is that we should prepare our minds and keep our humour and our good sense, no matter what happens, Mr. Chairman.

Mr. S. Moffor (Bamenda Central-East): I rise to move that the question be now put.

Mr. Speaker with-held his assent and declined them to put that question.

The Minister of Social Services (Mr. A. N. Jua): Mr. Chairman, Sir, the Hon. Mr. Mbile has raised, as others did before, a very important point on the question of defence. I would like to emphasis again, if I was not quite explicit, I would like to say that there shall be no gap whatsoever. A battalion of say between 600 to 700 soldiers will come in to replace the British Battalion from the Republic of Cameroun. This Battalion will not be the 5th Battalion. When I talked of the 5th battalion, I was talking of a Battalion which will be trained in the Southern Cameroons most of whom will be Southern Cameroonians, it is our hope. I think if Members will, therefore, go home with the understanding that there will be no gap at all, we have got already a battalion; we are already making arrangements with the authorities of the British battalion and, therefore, there will be no gap at all, not for one minute.

Also he raised an important question as to what would happen to Southern Cameroonians who are soldiers now serving in the Nigerian Force. He asked a question, what would happen, supposing they come home tomorrow, what force would they join? Where would they be? I would like to say about this question that it was our intention if they came home they should go somewhere here in the territory, but the British Battalion has been difficult. They say 'No, defence is in their hand', so it is not our fault that our boys shall not be station here. It is the British Battalion who have said 'No, we cannot have any other soldiers, until 30th September we are brandishing the right of power', so there our hands are tied. But, however, we came to an agreement with the Republic of Cameroun, that when they return we shall have them camped somewhere in the territory of the future Federation, somewhere in the Republic of Cameroun and they will be camped together, and as soon as the British Battalion leave they will come in. That is what would happen, but this is not our fault. We would like what we wanted was some training, months ago, some training facilities in this territory, and the British battalion should make use of training our boys, but they have said all along 'No'. Reasons have never been given to us, but they say defence is a Federation matter. Defence

we have never wanted at any time in the Southern Cameroons in our hands, but under Federal authority and for whatever defence we could train or form part of the Federal Defence. The British Battalion have always say 'No' to us.

Honourable members will now understand that this Government has not been idle at all as far as defence measures are concerned, but these steps, Honourable members will appreciate, this Government has taken.

However, if I may mention, Hon. Member Mr. Mbile said the Premier meant well; we appreciate the statement he has made that the Premier meant well when he offered £50 to the bereaved because they have no transport and he thought it was time they went home and he gave £50 in order to get them back to their homes. This was a humanitarian act, but if I may if you permit me to say, what I would say, I would say is that it was regrettable if the Hon. Member thought he was going to make politics out of it. He said he thought it was a gift or compensation. I am not debating. The Hon. Member did not even make a statement as to his feelings towards the bereaved. But it is unfortunate that he was so happy about the incident which everyone felt very sorry about, however, it is hoped that this matter will not be repeated.

Honourable Mbile has said he has spoken for the member who really made this statement. I think the proper thing in this concern is not for an individual to defend somebody, but the Honourable Member in his statement has made real ones so it is proper to withdraw that statement.

Mr. F. N. Ajebe-Sone (Kumba North-East): Mr. Chairman, Sir, I wish to make a brief remark in connection with the defence matter. Time has passed when we believed in speculation. With the formidable difficulties which are facing the Southern Cameroonians, I feel, Sir, that any Minister standing up to make a statement must base his statement on facts. It will be bad at this time to base on speculation. With regard to this defence position of the Southern Cameroons, after October 1st: When I say so Sir, I am speaking purely on the facts which they have advanced to this Honourable House. It is not long ago when the Honourable Minister of Social Services said that after October 1st about six to seven hundred Camerounian soldiers would be coming to take over control of our defence. If that statement is true, then I do not see how to reconcile that statement, how it fits in with the number of British troops. I am informed, Sir, that about 1,000 British strength of the British Army. If one thousand British soldiers leave here on 30th September and we have about six or seven hundred Cameroun Republic soldiers taking over the defence of this Territory, by numbers alone there is a gap.

I am also informed further, Sir, that the strength of the terrorists is about 1,018—I do not know whether my information is correct, I heard it from a responsible person in this Territory—and when I say so, I mean from the top to the bottom. After all even Policemen are concerned with security measures. One question I ask myself since I know it is their own responsibility to check up on information, pictures of men wanted from the Cameroun Republic. I do not want to doubt, to place in doubt, information, it must be very clear that the whole country is panic stricken since a statement was made that the British Troops will leave this Territory on the 30th September. It is the duty of the Government, the duty of every person who is interested to see the Southern Cameroons remains peaceful, to co-operate and see that full measures are taken to provide us with good security measures. We want Government to know the strength of the British Forces and if they are making a reduction of numbers then the Republic must get double that number in order that there are no further difficulties. I am even wondering, given the amount of trouble going on in Cameroun Republic, if the Government there will be able to spare say 1,000 soldiers to take over from the British Army. These are matters of grave concern and unhappily we hear that the Premier may be travelling to the Cameroun Republic for final negotiations tomorrow. We would like this matter to be taken up very highly before the end of this month. Sir, I beg to sit.

The Premier (Mr. J. N. Foncha): Since this Head has been debated fully and Members wish to know correct information as to what is happening. I think I stand up to add a little bit to what my Honourable friends have said. Things are so quick nowadays that it is difficult to meet, from time to time and keep the Ministers acquainted with the most up-to-date information. It takes time before I tell them something that had just come through, it would be almost a week before we met. As regards the question as to when the 5th Battalion will be started. I want to say it has already been agreed and have been requested to send about 10 Southern Cameroonians, or 12, who hold a G.C.E. or those who have at least passed through Bali or Sasse Colleges. At the moment we intend to produce as many as 12 of these young men to get into the Military Academy starting in October. Already they have requested some of our Sandhurst trained men who have returned to get over there for a general training. The number of trainees is increasing and again we are requested to send 45 other boys to be trained as Non-Commission Officers. Just now the matter is being ready. As to when the Battalion will start, I want to tell you as soon as our young men from Nigeria return- we have wanted them to be stationed somewhere in the Southern Cameroons and a long argument has been

going on. I want to give you some information that recently His Honour and ourselves came to an agreement that a camp should be located in the Victoria Division, here and there, should be a military station there. So they will not go over to the Republic of Cameroons as formerly arranged.

Hon. Members: Hear, Hear.

The Premier (Mr. J.N. Foncha): For further information, the Nigerian Government has been very co-operative indeed and for that reason they are also willing to send any of our boys as quickly as possible. A number of them have enquired, a number of them have been available. Those in the Congo are still there, about 112 are already on the ship sailing for the Southern Cameroons and will be here on the 21st and together with their families they will number over 400 and they will be landing in the Southern Cameroons next week and we hope people from Tiko will go out and meet them and welcome them. I think it will be a jolly good thing indeed to support all these young men. They write to me every day asking when they are expected home. Those in Nigeria do the same thing. We have already got an officer of the Republic of Cameroon and another officer of the Southern Cameroons for the purpose of arranging for this 5th Battalion and another defence measure. There is an allegation here that the Postal Agencies all over the Territory have been closed today. I want to say that I am concerned with the arrangement that goes on with the Republic of Cameroon P.T.T. as to the changeover of its postal facilities. I have been informed that no postal agency will be closed down.

If it is true then we have got to take it seriously, but now nothing will greatly affect the running of the postal agencies as they don't telegraphic messages. Those who will be able to sell stamps are available and the Republic of Cameroon will send additional men for the telegraphic section. As regards the question of stamps, new stamps, new independence unification stamps will be issued on the 1st of October, but these will be limited. It is true we had made an attempt to print stamps here and we advertised and spent some money for these stamps but when we sent them abroad for manufacture the firm told us that they could not possibly do these within the time specified. That was in the month of June and quality they said was not in keeping with our old demand and if we wanted them on the 1st of October they will be printed without the usual gum. So we resisted and immediately contacted the Republic of Cameroon to see what arrangements could be made quickly to get these stamps by the 1st October. So they took the matter up and found it most difficult to get the complete set of these stamps ready. That is why on 1st October all stamps will be embossed upon as well as the new ones which will be available. So

some old stamps already in existence in the Republic of Cameroon will be printed upon with our own sterling 15 francs will be equivalent to so much, 5 francs worth of stamps will be so much. But you will have the new stamps which will be printed for the Federation of Cameroon and they will have the correct value in English and another value in French. So the speed of events has been so great that we could not possibly meet up with these arrangements.

As regards these air facilities, it should be remembered that the Development Agency and the Government have been making the greatest effort to get two aircrafts for ordinary internal and inter-state travel before this time. The greatest effort has been made to get the correct licence but the difficulty has just been that two aircrafts are ready overseas if we can get someone to sign a piece of paper...*(laughter)*...This is a difficulty of people who are undergoing a transitional stage. Something is holding up the matter up anyhow. But we are confident that we will soon get it correct. We have discussed it with the delegation from the Republic of Cameroun and they feel it is an excellent thing indeed if we can get these facilities available here. We hope when these aircrafts are available here that they will fly to Lagos, Yaoundé or any part of West Africa indeed. There are two aircrafts, a ten-seated and four scatter in which officers can travel within the territory so that shortly a Southern Cameroons Air Corporation will be in existence. We are taking your questions in good faith and believe these are just questions which should be asked by men who are in the position to be consulted.

But the question of feeling discouraged that you will be afraid of terrorists or the Gendarmerie on the 1st October, I think such feeling will not help us this moment. We make the best use of the opportunity given to us. You yourselves are aware that we cannot restrain the British Force from leaving so all we can do is say good bye and make the best of what we have. That is the spirit that every Cameroonian should put up. It doesn't help now to feel we are taking you to the butcher.

Mr. Speaker: Honourable Members have sufficiently ventilated their views on the question of defence and I propose now to put the question.

Question—‘That the sum of £15,504 for Head—Agency Services stand part of the Schedule’.

Question put and agreed to.

Question—‘That the Schedule stands part of the Bill, put and agreed to’.

Sitting Suspended at 4:30 p.m.

Sitting resumed at 4:50 p.m.

MINISTERIAL STATEMENT

The Premier of the Southern Cameroons (Mr. J. N. Foncha): Mr. Chairman, Sir, I wish to move that the standing order 4 be suspended in order to allow business on other papers to be continued until 10:00 p.m.

Mr. Chairman: Order, order, if it is the wish of the House the bill maybe postponed.

Question put and agreed to.

Clause 2 agreed to.

Clause 3 agreed to

Clause 4 agreed to

Bill to be reported.

Mr. Speaker resumed the Chair

The Minister of Finance, Commence and Industries (Mr. S. T. Muna): Mr. Speaker, Sir, I beg to report that a bill for a law to apply a supplementary Appropriation (1961-62) Law, 1961 fund comes out of the consolidated revenue to the saving of the year, 1961 and has been considered in the committee without amendment. I beg to move the bill be now read a third time and passed.

Question put and agreed to.

Mr. Speaker: Order, order, the next item under 2 is to adjourn debate on an item of the constitution of the Federal Republic of Cameroon, but I think it would be convenient in fact more convenient for motion on the capital of the project to be followed now directly after the Supplementary Appropriation Law. If that is the wish of the Honourable Members of the House, we can now proceed.

Speech by the Honourable Minister of Finance

Introducing the motion on the Supplementary Capital Estimates

Mr. Speaker, Sir, in accordance with Standing Order 68 I have to report that I have it in command from His Honour, the Commissioner of the Southern Cameroons, to state that His Honour has given his recommendation to the consideration by this House of the following Motion:

That the expenditure from the Development Fund of:

- (i) £105,959 under Head 561—Public Works Extraordinary
 - (ii) £4,818 under Head 562—Other Capital Expenditure
 - (iii) £ 168,474 under 563—Development and Welfare
 - (iv) £90,994 under Head 564—Capital Works Ex-Federal
- be approved.

For the purpose, set out in the Draft Supplementary Estimates of Capital Expenditure for 1961/62 under the four Heads named above be approved.

Mr. Speaker, Sir, I have touched briefly on the position with regard to the Capital Estimates and the Development Fund in my speech introducing the Supplementary Appropriation Bill. In the revised capital Estimates it will be seen that almost all the items consist of revote of unexpended provision from the preceding financial year. There are some items not in this category, however, and they are explained fully in the Memorandum. There are, of course, a number of urgent additional capital items which should be carried out in the forthcoming dry season and steps are being taken to seek financial assistance for these items. We are unable, however, to insert these items in the estimates until the resources to execute them are assured. The revised statement of the Development Fund at page 36 reflects the present assessment of the level of expenditure for the year approximately £900,000 and shows that there is a short fall of resources to carry out this program amounting to about £200,000. It should be noted that among the resources is a payment from the C.D.C. of £25,000 in respect of the profit made by the Corporation in 1960. This payment is most welcome and compares most favourably with the very large deficit on the working of the Corporation in 1959. A great deal of the credit for the transformation of the deficit into a surplus in 1960 is undoubtedly due to the vigorous and forward looking plans and their implementation which have been made by the Managing Agents of the Corporation and this, I think, fully justifies the action taken by this Government in concluding the agreement for the transformation of the Corporation into a joint stock company in partnership with the Colonial Development. There will also be added to the resources in the Development Fund the amount of £72,000 which I have already mentioned as coming from the West Africa Currency Board, but it is likely that this will be offset against the amount of the Grant-in-Aid shown on the statement rather than against the excess of expenditure over revenue. I do not think there is anything further I can usefully add in general terms with regard to the Capital Estimates, but I and my colleagues will attempt to provide any further information that may be sought by members of the House in debating this motion.

Mr. Speaker, Sir, I beg to move.

Mr. Speaker: Order, order it is the wish of the Honourable Members that we get the Motion through.

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, I wish to repeat my motion that the Standing Order 4 be suspended to allow the House to continue from 8 o'clock till 9 o'clock if the business of the day is not completed before 6.45 p.m.

Mr. N. N. Mbile (Kumba North-West): Standing Order 4, sub-section 7.

The Attorney-General (Mr. B. G. Smith): Standing Order 70.

Mr. Speaker: Order, order. In accordance with Standing Order 70 this is a matter that requires the consent of the House.

Mr. N. N. Mbile (Kumba North-West): Point of order, Mr. Speaker, if the question is proposed I wish to give notice that I would oppose the motion.

Mr. Speaker: The question is the Standing Order 4 be suspended that the business of the House will continue after 8 p.m. if the business of the House is not completed at 6.45 p.m.

Mr. N. N. Mbile (Kumba North-West): Mr. Speaker, I wish to register my dissension on this issue because we have committed ourselves. If this Motion were moved at the commencement of business this morning we would not have committed ourselves to a number of matters this afternoon. We have only been sitting for two days and I do not see why we cannot continue on Monday. It is wrong to move this Motion at the end of the day. If it were moved at the commencement of business the movers might have had their way and we would not have committed ourselves. I do not think, Sir, that it is too much for us to sit for four days at a time like this.

Mr. Speaker: Order, order. In accordance with the Standing Order under consideration there is a dissenting voice from the Member, the Motion rests. Order, order! The question is that the expenditure from the Development Fund of:

- (i) £105,959 under Head 561—Public Works Extraordinary
- (ii) £4,818 under Head 562—Other Capital Expenditure
- (iii) £ 168,474 under 563—Development and Welfare
- (iv) £90,994 under Head 564—Capital Works Ex-Federal be approved.

Mr. J. Nsame (Nkambe South): Mr. Speaker, Sir, I am speaking under this Head generally. I want this Honourable House to take note that Nkambe especially has been long a forgotten and neglected child. Why I say so, Sir, is because there is no extension in Nkambe. But I think if their Chief died every other son of the Chief craves to be the main king irrespective of being tempted by others, and this son of the Nkambe Chief he would not mind about what has happened but will take care of the whole family. But here, Sir, you find that we have been indifferent with the Government. We cannot be totally forgotten. I say this from experience, Sir, because I said this the previous year when we came here we spoke about a Government Officers in Nkambe. If you when to Nkambe you would find that where the Government Officers are working and where the N.A. Officers are working, they are just packed into one little room. We come to this House, we make noise but no heed by the Government.

The Minister of Works and Transport (Mr. W. N. O. Effiom): Nkambe is not this Head.

Mr. J. Nsame (Nkambe South): I am speaking generally on the matter and I think there is no point of order. I feel that the Government has been very unfair to us and I am making this point so that it will be recorded in this House and it should be known by the people of Southern Cameroons that this Government has been very unfair to certain parts of the country. We are not pleading for anything, not asking for anything to be done, but it is hoped that one day we will have some justice.

Mr. P. N. Motoby-Woleta (Victoria South-West): Mr. Speaker, Sir, there are two points on which I would like to make a few observations. Sir, it is drawing wool across the eyes of not only Hon. Members of this House, but of the public as well as we purport, Sir, to draw a grandiose plan on paper but there is nothing in the coffer and that is what the Minister of Finance is calling on us to do now.

Apart from the deficit of nearly a quarter of a million the Honourable the Minister of Finance still shamelessly tells us that there are, of course, a number of urgent additional capital items which should be carried out in the forthcoming dry season and steps are being taken to see financial

assistance for these items. Perhaps it should have been more helpful to this Honourable House for these day dreams of the Ministry of Finance on capital development to be put on paper so that we could see the exact pictures of his picture in the air. All these fine weather promises of the conversion of the Southern Cameroons into Jerusalem overnight! The second point on which I want to comment is the C.D.C. I would quote from the Honourable Minister of Finance's speech, on page 2, the second line: 'It should be noted that from the resources is a payment from the C.D.C. of £2,500 in respect of the profits made by the Corporation in 1960. This payment is most welcome and compares most favourably with the very large deficit on the working of the Corporation in 1959. A great deal of the credit for the transformation of the deficit into a surplus in 1960 is undoubtedly due to the vigorous and forward looking plans and their implementation which have been made by the Managing Agents of the Corporation and this, I think, fully justifies the action taken by the Government in concluding the agreement for the transformation of the Corporation into a joint stock company in partnership with the Colonial Development Corporation'.

Mr. Speaker, I would crave your indulgence to delay on this vexed question of this agreement or arrangement which was concluded by this Government to sell off the C.D.C. without consulting the people. Not even the indigenous owners of the land for a period which I am ashamed to recount on the floor of this House. It has been converted to a joint stock partnership under foreign control and a foreign power and independence is, I am told, around the corner two weeks ahead of us with the live wire of our economy completely snatched from us. That is the type of thing the Minister of Finance wants us to stand here and laud; I am not going to be part to that type of business. I am serious, Mr. Speaker, this question of some people get a brain wave without consulting others on an important subject like the economic well being of this state should be condemned in the strongest possible words. How would the Colonial Development Corporation feel itself, like a fish out of water with this new arrangement of unification. I am very sure that the Cameroon Republic would buy them out for dollars or French Francs and kick them out. That is what I want to see done. I want to see these Englishmen kicked out of this shore as quickly as possible. They had every opportunity to develop this country realistically long ago but they were dilly dallying for reasons of their own, because they wanted to prolong their stay in Southern Cameroons indefinitely. Mr. Speaker, Sir, they were overtaken by events...*(interruption)*...

Mr. Speaker: Order, order. Mr. Motomby-Woleta continues.

Mr. P. N. Motomby-Woleta (Victoria South-West): Mr. Speaker, Sir, they appear in the firmament in divers corners. Events have overtaken them Mr. Speaker. Continued Trusteeship was the cry at one time. Another time it was economic importance and we were told we were not viable as a unit so that all these beautiful plans were lost in the din of rabid nationalism; but certainly events overlook our good friends. So I don't see what they would do to remain in this country after October 1st, after they have packed their bags and baggage.

When the C.D.C. arrangement was originally made I know the bother is 99 years...(interruption)...People thought to reduced the number of years. Even Chief Manga Williams of blessed memory revolted against 99 years. Doctor Endeley took up battle and the Bakweri and it was reduced to 60 and then suddenly the K.N.D.P. blew it all up again because of these good friends who wanted continued or prolong Trusteeship. We want a bold decision taken about the C.D.C. before 1st October. I don't like this Colonial talk of economic help through the C.D.C. which the British are kindling in this territory at the moment. Certainly, Sir, £25,000 does not impress me as what the C.D.C. should run over into the Southern Cameroons. It was once about £75,000. We saw community halls in Bamenda built by surplus—I repeat surplus profits which were spread far even into the Northern Cameroons. Who am I to praise this paltry pittance of £25,000, and I am told that it is the result of vigorous and looking plans. It is everything but that, Sir, it is a blind plan; in fact, it is not a plan at all as a matter of fact. Is this the very British managing agency? I think they are managing free of charge. We know what this type of generosity means. It is a wolf in a sheep's skin. Mr. Speaker, Sir, I had hoped that the Minister of Finance and the Government as a whole, will take very serious note of what I have said. If the K.N.D.P. keep blowing its trumpet about...(interruption)...It is quite a strong point, Sir. It is a sell out of the economy of this territory and yet having such consideration, grips our apron strings, the life wire of our Territory. Mr. Speaker Sir, a word to the wise is enough.

Rev. S. Ando-Seh (Bamenda North): Mr. Speaker, Sir, I do not intend to speak much on this item but two items really deserve a note from me and all from Nkambe. The rehabilitation of Government quarters. Junior quarters are built all over the Territory with well and water supplies. They should remember that Government staff is occupying quite a big portion of Native Administration offices in Nkambe and up to now Government has done nothing to see that Government staff in Nkambe are provided

with their own separate office. We would like to know how much rent is paid to the Native Authority by Government for using Native Authority buildings.

The second point is that whereas every other area is considered for a water supply, we have from time to time, raised the point here on the floor of this House and a short while ago the Minister of Works and Transport gave us an assurance that Government had taken over the question of water supplies and that we should rest assured that Government was going to do something about the provision of water in Nkambe. But when we go through this list we are left with no choice other than to think that this beautiful promise was nothing but crocodile tears trying to deceive the people of Nkambe and the entire masses of Nkambe that nothing is in proportion for them, and we feel that we would be wasting our time to talk over this matter. It is shameless to go to the public and promise our people services for nothing and if it is the desire of this Government, as it has been said some time ago, that we do not deserve their services, it should be made clear to us and no camouflage should be made here. It is nothing but a clear sign of deceit. We shall see no courage in the fact that the Truck A road which rises from Victoria to the junction of Wum and the Ndum road which used to be the Federation road, we do not see any reason why the maintenance of this road should only stop at Banso and the portion of it which happens to run through Nkambe is entirely excluded. We want to hear something said by Government about this matter but, as one of my colleagues already mentioned, we are not in any way begging this issue but it should be remembered that one day might be one day. We are weeping over it.

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, I beg to move that the question be now put.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): I beg to second.

Mr. Speaker: The motion has to go through the committee stage. Would Honourable Members say what they think?

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, I understand that the notice has already been given for the debate on Monday on this Bill. I name Monday Sir.

Mr. Speaker: Order, order. The question is that the debate on the motion be adjourned until Monday, the debate cancelled until Monday, 18th September, 1961. Will the Premier move. 5.45 p.m.

The Premier (Mr. J. N. Foncha): I do not wish to move any motion for the continuation. Mr. Speaker, I move that the House do now adjourn until 10 o'clock on Monday morning.

Mr. P. N. Motomby-Woleta (Victoria South-West): I rise to second this motion that the House do now adjourn and draw Mr. Premier's attention to the fact that the debate may laps if there is no motion continuing it. I should be put on the paper for another day.

Question Proposed.

Mr. N. N. Mbile (Kumba North-West): Mr. Speaker, Sir, I have given notice to speak on the adjournment on two points. First point, Sir, is the question of medical facilities for Members of this House and for their families. Sir, I am informed that Members are entitled to free medical treatment in this House only when the House is in session. In other words for the few days that we are in Buea if you fall sick then you can receive free medical treatment. I don't know whether or not our families are covered under that same arrangement. Sir, if ours are covered too that they can only be treated when there is a House in session, I wonder why that type of provision is because we are all far away from families almost all of us except for the handful of Members who live in Buea. Our families may be dying at home and we know nothing about it because we are busy here. Sir, I think it is one of the omissions that we ought to draw the attention of Government to: mainly that there should be full provision for Members and their families to enjoy full medical treatment for the duration of their term. It is difficult for us to imagine that anybody could have this type of provision. It is ample for men who have devoted the whole of their lives and time to the service of the State to enjoy full medical treatment, and I think this is a matter which brings little controversies between us as members of this House and the Government. I think Sir, that we are entitled to free medical treatment as Government officials are and their families because indeed we are in the same category or in a very similar category. The difference perhaps we get less for doing more. The second point Sir, is that question of travelling allowance or some sort of provision to cover the cost of travelling for Members. All over the Federation Sir, when I say Federation I mean Federation of Nigeria, it is common practice that Members apart from their salaries are entitled to an allowance to cover their travelling round the year. Members are not expected to sit in their houses. They are supposed to tour to attend meetings and do their work as members of the House. I wish to draw the attention of Government that this is a matter worth looking into now for some sort

of provision for Members. Members of the other region, I know, received about 150 pounds or three-about a year. Members are entitled to buy petrol at Government rate. This is another small convenience which is lavishly enjoyed by other parliamentarians in Nigeria. I think Sir, that it is not asking too much that that we too should enjoy this privilege. Perhaps this is a matter for a committee or such a committee has sat and done any proposal I do not know. Mr. Speaker, these are the two points I gave notice to speak upon. On adjournment I hope Government will take notice of my humble submission especially on the question of help for the law makers of the land and those who give them food to live on. If we have not been thinking of it, perhaps it is time, and I must say that it was an unfortunate omission all along. I must say that Government should go ahead immediately to do something about making full provision for the treatment of Members of this House and their families for the duration of their term of office as Members of the Southern Cameroons House of Assembly. Thank you Mr. Speaker.

Mr. S. Moffor (Bamenda Central East): Mr. Speaker, I had earlier submitted a request to speak on a motion of adjournment. In view of the fact that the House is going to be continued till Monday, I may reserve my speech and allow the adjournment of this House and make an urgent flight to Ghana to return on Monday and speak.

The Minister of Natural Resources (Mr. P. M. Kemcha): Mr. Speaker, Sir, it is because I do not want to strain relations that I want to make this statement. It is all following what transpired today between the leader of Opposition and me about the flying of planes throughout the Southern Cameroons. It might have been a point which was misunderstood or he intentionally wanted to provoke me, but in any case I feel that Honourable Mr. Mbile in fact has tried to clarify the position. I think that it was an attack which was improper especially from a man from his own standing when he mentioned my tribe and my Ministry. As a matter of fact Mr. Speaker, I think the fact that the people of my tribe had refused to be made tools in the hands of any politicians, I see no reason why that tribe should continue to be attacked on the floor of this House. This is not the first time.

I think that effort has been made either from this side of the House or from the other side to see that relations are not strained. I don't think it is going to help us anywhere.

In fact prominent members have been making efforts to bring people together. Inasmuch as I respect political matriculate or all those or all those who have been long in politics, I think great men are known by

their acts and not by their words. It is not in a savageous act that a man could be regarded as a great man. Mr. Speaker, Sir, I would like to say here with all emphasis that it is my wish, and many people consider the same, we are brought together. It is not because we feel we have anything to lose if we are not brought together. It is a pity I was so savageously attacked. So I have to register that view on the floor of this House. Mr. Speaker, I thank you.

The Premier (Mr. J. N. Foncha): Mr. Speaker, Sir, I stand to answer few questions raised by members. Ever since we have been cutting our coat to suit our size, the question of travelling allowance to Members, as in other parts of the Federation, has not been considered by the Government. If there is further consideration in the future then we will do so, but I want to say our consideration has now been undertaken by the new Federation. The new Federation, the Federal Constitution, Article 14, paragraph 5 states ‘The electoral system conditions of the Legislature rules of incompatibility and community and the amount of parliamentary allowances shall be laid down by Federal Law’. So, I think that shortly this matter will be discussed when the Federal House meets. It might be premature for West Cameroon Legislature to consider it before it is due. In any case your point has been noted.

The question having been proposed after six o’clock and the debate having continued for thirty minutes, Mr. Speaker adjourned the House without question put, pursuant to the Standing Order.

Adjourned at thirty minutes to seven o’clock.

Chapter 8

House of Assembly Debates: Housing, Roads, Airstrips, Water Supply, 'Federal Constitution'

SOUTHERN CAMEROONS HOUSE OF ASSEMBLY

Monday 18th September, 1961

The House met at 10 a.m.

Prayers

(Mr. Speaker in the Chair)

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna):
Mr. Speaker, Sir, I beg to move that this House on its rising this day do
adjourn since die.

The Minister of Works and Transport (Mr. W. N. O. Effiom): I beg
to second.

Question put and agreed to.

The Minister of Finance, Commerce and Industries (Mr. S. N. Muna):
Mr. Speaker, Sir, I beg to move that the motion standing in the name of
the Premier in the Order Paper for Thursday the 14th September, 1961
which became a dropped Order on Friday the 15th September, 1961, 1961,
be replaced on the order book for this day in my name.

The Minister of National Resources (Mr. P. M. Kemcha): I beg
to second.

Question put and agreed to.

ORAL ANSWERS TO QUESTIONS

Mr. P. N. Motomby-Woleta (Victoria South-West): Mr. Speaker, Sir, I
rise to ask the Hon. Attorney-General on behalf of Mr. N. N. Mbile the
question standing in his name. Is it true that vehicles belonging to the

Government are not insured under Third party Insurance Policy which covers risks, especially death, to third parties? If the answer is 'yes', what happens to victims involved in disabilities or in death caused by third parties to Government vehicles.

The Attorney-General (Mr. B. G. Smith): Yes, Sir, in appropriate cases Government makes an ex gratia payment to the victims or their personal representatives.

Mr. P. N. Motomby-Woleta: Supplementary question, Mr. Speaker. Is this ex gratia payment done as a matter of course or is a special application to be made and if special application has to be made to whom is this application to be addressed and what steps shall have to be taken.

The Attorney-General: I require notice of that question.

Mr. Speaker: The question is that the expenditure from the Development Fund of:

- (i) £105,959 under Head 561—Public Works Extraordinary
- (ii) £4,818 under Head 562—Other Capital Expenditure
- (iii) £168,474 under Head 563—Development and Welfare and
- (iv) £90,994 under Head 564—Capital Works ex-Federal

be approved. What day Committee?

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Now, Sir.

HOUSE IN COMMITTEE

Question proposed—“That the sum of £105,959 under Head 561—Public Works Extraordinary stand part of the motion”.

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, Sir, I wish to make a few observations under this Head. I will particularly concern my observations for items dealing with various buildings. It is true Sir, that the putting up of permanent buildings can be regarded as investments. Money is tied up, it is invested in this building and, Sir, it would appear with the change of time from the Colonial system to Independent Cameroon that a modification would be necessary in the pattern of capital expenditure under this Head. Even if we were to regard money invested in buildings

as power in investment for this purpose it would be very presumptive, for no one, Sir, I can deny the fact that this country is an under-developed country and for that reason its expenditure on capital formation should be more on the pattern of productivity than on the pattern of prestige. If we adopt the policy of prestige we see, Sir, that the distribution and the spread out of investment in buildings has not taken pattern which should have taken care of all sections of the territory. There is, in fact, tendency to concentrate it in various areas or groups of persons. This is not good for an underdeveloped country. You can't in an undeveloped country make investments which are not productive. These buildings, when they are put up they are national wealth, and they give prestige to certain areas but my argument is that the policy does not cater for productive investments. And this is what we need in a county like the Southern Cameroons. Hitherto, Sir, there have been needs for putting up most of these buildings recently because we wanted to attract Colonial people, and to attract people from very advanced countries, and the means of attraction was to put up such buildings to meet the standard and make them stay, and to have houses they could compare with the buildings of the areas from which they came. Now that in a few weeks from now we are joining an Independent Cameroon State and becoming Cameroonians, it would be necessary to reform the policy under this Head to start instead of tying money for a privileged group of persons such money so tied up and not productive, it would be necessary to spread this money to as many places as possible and, Sir, giving preference to what can be regarded as productive capital investments.

These are my few observations under this Head and I said earlier, Sir, I was going to restrict them to building.

The Leader of the Opposition (Dr. E. M. L. Endeley): Mr. Chairman, Sir, I only wish to expand on what my colleague has just said. I think it is necessary at this very early stage to draw attention of the Government to the evil of creating classes. As my colleague has just ably pointed out, the G. R. As. and reservations are vested on the Colonial system and I think, of necessity, we had to live in that manner. People came from away and had to eke out a living in strange places so it was necessary for the Government who employed them to create an atmosphere where they could work comfortably and conveniently. But if Cameroonians have to work in the Cameroons I think the picture changes altogether. Rather than civil servants thinking that the moment they enter the Senior Service they become a distinct class and that they must live in Government Reservations, a policy has to be worked out where they can live in the Government houses as they can live in their homes. That is, some means

has to be worked out where Civil Servants should be enabled to build their own houses in their own homes. A sort of building scheme will enable the average Civil Servant to prepare himself for a continuation of the life he has lived under the Government when he retires in his own village or town. If this were not done the tendency would be for this privileged class of men to drift away from their own homes and villages and create a social problem in the Government towns and their influence cannot be felt among their own people, their own kith and kin. I think we should discourage any tendency of that nature in the future and in order to discourage it, it is incumbent on Government to think of what I call a building scheme to enable people in the Civil Service to build in their villages and towns instead of living in the house which were once occupied by the European expatriate Government officers. If we don't do that we will create a class complex which will be more disastrous to our community than the class complex which has been caused by the expatriate Government civil servants.

Mr. P.N. Motomby-Woleta (Victoria South-West): Mr. Chairman, Sir, I think that this is the appropriate time to say what I have been itching to say about the Victory Water Supply. On asking, Sir, I was informed that the water scheme for Victoria stops with the provision of stand pipes at public places and that supplying water to homes of those who require taps in premises would be an entirely different scheme. Mr. Chairman, Sir, the question of supplying water in Victoria has been vexed over very many years and the greatest sufferers are those who live in the native areas. As soon as a senior service house is built, before it is occupied, there are stand-pipes for the garden, for the toilet, for everything necessary and unnecessary. But, Sir, people living in the New Town Victoria and at the half Mile have to carry water from long distances, and now that a great sum of money has been spent on improving the quantity and the supply of water, it is most revolting for authorities not to have envisaged easing this position considerably. As matter of fact the plans lack reality. I am informed that there are to be stand-pipes every 400 feet. This plan is drawn without watching where the concentration of people and buildings are. There are some stand-pipes I see without houses around at all, as it were, in the bush and where there is a concentration of houses where there is a demand for water there would seem to be no pipes at all. I do sincerely hope that the Minister of Works will look into this and see that something is done. I endorse whole-heartedly this Supplementary Appropriation Bill being sought, provided it is for improving the scheme to bring water nearer to the people who have been suffering all these

years. There are very many of them. Sir, Victoria is a fast-growing community; it is very heterogeneous in its population. It is a port with brisk business and it is unfortunate, Sir, to see women and children having to fight and lower themselves with trying to draw water from the very few facilities which have been provided hitherto. I hope, as in the biblical saying—they that have much shall be they that have little. As far as the water supply in Victoria is concerned those who have had it have only... want a little bit... (laughter)...Mr. Chairman, we use the sea for bathing and swimming we do not cook with salt water. I hope the remark was in jest and in good faith, but the native settlement in Victoria, Sir, and half-mile and Mokeba and the New Town are suffering and they want water. Plenty of water is available but that little snag of its being taken where there is the greatest need should not be overlooked by the Minister of Works. I am sure it would be very costly, very costly to purify sea water for cooking and such purposes in Victoria.

Mr. S. Ando-Seh (Nkambe North): Mr. Chairman, Sir, last week we made some remarks concerning our people in Nkambe. We do not believe that we are begging the issue. We live in the Southern Cameroons and we contribute to the Southern Cameroons fund and the building which is so prominent in the Capital Works here, we feel very much touched that although Government knows very well that the people in Nkambe have no proper quarters for offices and the office in which they do the duties of this Government, is done in a house which belongs to the N.A. Last Friday I asked how much rent was being paid to N.A. who have to carry out duties on their own without any effort from Government to assist them. No attempt was made to reply to this question and here again we look through the list of capital works and no attempt has been made to include, even for courtesy's sake, a building to fool the people of Nkambe Division. A building alone would be to fool them. We are asking very earnestly why that Division is so excluded and if it is not a motive that the Nkambe Division should not be considered, I think it would be right to make this position known to each representative that is here. Second point that I want to make is about water supplies. The Minister of Works made quite a good attempt last week to tell us that now that water supply is in the hands of Government, something will be done and we are surprised, Sir, to see that this is not considered in this supplementary estimate and may be that the whole of the coming year nothing will be done and that places us in an embarrassing state. I beg to make this point in front of this House.

Mr. F. N. Ajebe-Sone (Kumba North-East): Mr. Chairman, Sir, I rise to make a brief observation on this Capital Budget. The Kumba Town Road which was provided from C. D. W. grants has so far been completed but the road doesn't reach Tombel Town.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Sir, point of order, it is a different Head.

Mr. Chairman: Head 561.

Mr. F. N. Ajebe-Sone (Kumba North-East): I was making my point. I said earlier that I was speaking generally on the Capital Budget.

Mr. Chairman: The matter is provided in 563 and the Honourable Member will raise it when we get there.

Mr. J. Nsame (Nkambe South): I want to speak on this Head because we do appreciate the Government's interest intending to keep this issue in good order the air-strip at Mamfe and Bali. I just want to ask Government a few questions in good faith. I want to know what happens with the air-strip which was started at Wum. I am very sure that this work has been started and up to this moment...(*inaudible*)...which was intended for the air-strip at Wum. One of the considerations given to any foreign investors in a country, Sir, is an easy and good means of transportation. At the moment, Sir, we are sure that the tea plantation in Ndu will be producing the first harvest, probably this year.

I want to let Government take note of this that the road between Bamenda and Nkambe is very, very bad. There has also been a plan that in future an air-strip will be opened at Wum, probably for the easy means, for important visitors who like to come to Ndu to see the tea estate. I do not know what the Government is thinking about this. I think air-strips are important to be introduced, especially when the Mamfe-Kumba road is in its bad state and anybody travelling that road at the moment is risking his own life, and I want to let Government know that these things are essential and we want Government to do something about this.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Mr. Chairman, I rise to reply to a few points which have been raised by the Opposition. I appreciate the point made about the modification of building policy and I want to point out that Government has taken note of the issues raised and at the same time I want to say that it is a very

intricate problem and will need careful study. Meanwhile, I want to point out also that in the capital works named here, there are merely continuations of works which have been started during the 1st budget.

There is need also to continue to build houses for several Government civil servants in the next few years, for main reasons which I do not intend to raise at the moment. The question of creating classes as suggested by the Hon. Dr. Endeley is interwoven with this issue of a building policy and I think that people, even though you give them allowances, will have to build houses according to their own choice and according to their own pockets, and even in this community you still have buildings according to classes. Then, the question of air-strips. It should be remembered that this provision was started, this scheme of the establishment of air-strips all over the division was in anticipation of the plebiscite and with our meagre resources of finance, I think Hon. Member will agree with me that it is at the moment too much for us to embark on expensive airports and at the same time airports will be a federal subject in two weeks and I would think in the near future the Federation will take care of that.

The question of carrying tea from Nkambe is a hypothetical one and I can assure you the Hon. Member that in two weeks time with the effect of unification the tea from Ndu can go through Nkongsamba and Douala and in fact we are not going to stop with the Kumba-Mamfe road. I think these are the main important points raised.

The Minister of Works and Transport (Mr. W. N. O. Effiom): I wish to add to the explanation of the Minister of Finance. I have briefly to say this to the few points raised by my colleagues on the other side of the House.

The Hon. Mr. Motomby-Woleta raised points about Victoria water supply. This scheme is being done on contract and I should wish to let the House know that so far the plan for Victoria water supply is a very realistic one because it has taken into consideration the expansion of Victoria, so I wish Hon. Motomby-Woleta to know that taps which are placed today where he thinks is bush, I can assure him that before December house will be around those areas. It is true, this information that the scheme will be completed before consideration will be given to applications from applicants who want water taps to be installed into their compounds.

About the points raised about air-strips, the Hon. Minister of Finance has said there is an air-strip at Weh in Wum and this air-strip is receiving its fair share of maintenance with other air-strips such as the one at Bali which the Hon. Nsame mentioned and for the Bamenda/Nkambe road I think it would be fair that the Hon. Member has known the great improvement on that road going on between Bamenda and Bansa and I think the job is intended

to be continued as far as Nkambe, so his fear should be quite allayed. Mr. Chairman, I think the points raised by Dr. Endeley and Mr. Lainjo have been ably responded to by the Minister of Finance.

Mr. N. N. Mbile (Kumba North-West): I apologise, Mr. Chairman, for being late this morning. I was driving all the way from Kumba and perhaps that is a credit to the head of the Minister of Works that we can now move from Kumba to attend meetings when we are lucky that there is not a tree across the road. I want to speak on this point of air-strips. I believe very strongly that we can strike a medium between roads into difficult areas and no roads at all by the construction of air-strips. Air-strips are comparatively cheaper than roads. As a matter of fact what you would need to construct one mile of road for that matter, is enough to construct an air-strip. And what is my idea, I am thinking of air-strips into all the difficult areas of the territory. I mean that if you have an air-strip in the heart of the Overside in Mamfe Division, if you had an air-strip in the heart of the North North-East of Kumba area, if you had an air-strip up country into the more distant and inaccessible parts you would have done something. It would be possible for people to be flown. If there are any big packages or loads or produce, it would be possible for an officer, for Ministers touring to be flown to that point and from that point they could operate into the distant of that area. It would be possible for district officers to cut down time used for walking all over the Divisions by using these air-strips. Let us take a district Officer in Mamfe going to Assumbo, he takes two to three weeks with about 50 carriers working all this way and by the time he comes back he has probably been 5 weeks or so only to do a few Court reviews. If you had an air-strip in that place then the D. O. could fly a small plane, it could be chartered by Government, I will go into that place in a moment. The plane would get to that point in a day, in a matter of hours even. The D. O. can walk to that Court and he can finish up his cases. He would be able to operate from that central point to any point he wants to get to. It would be possible for agricultural Officers to fly to instruct farmers where at the moment it is physically impossible to get there, even the D. O. can only get there once a year, there are places where they have not seen the D. O. for years, the D. O. cannot find the time and so on. The medium of air-strips can be a happy medium in the circumstances that face us between roads into rural areas and no roads at all. Planes would not be able to carry ordinary villagers but even then there can be an emergency which could be met. For instance an important Chief in a rural area was very sick and his people were prepared to fly him at all costs to a good hospital they could quickly raise the money and charter a small plane and fly him out and I am sure gradually these air-strips would begin to sell. I believe very strongly in this scheme, the scheme

can work and it is cheap. I have spoken to the Crop Culture General Manager and he agrees with me. It is cheaper to build one air-strip that to build one mile road. So if for instance we built ten air-strips all over the territory it would be possible to fly officers straight to those places and important documents, important dispatches to places where it is now very impossible to do so. This tedious touring of D. Os. would be stopped, no need for him to have all those carriers, even his bed, his reports it would be simple for the D. O. to fly out with a messenger and his interpreter and just a small box, a portmanteau and a few things, he doesn't need this train of carriers for which Government pays. It would be a much better system. It is not impossible for the Government to own a few small planes, one or two and to own their own pilots or to hire pilots say from any other lines around. It is a practical and possible proposition which can be explored. I do not want us to imagine that this is an impossible thing at all; it is in fact the best medium between roads into rural areas and no roads at all. We can face the expense of 20,000 and you will realize what the means. But you could construct air-strips. It would be a useful creation; it will be a well wanted thing. It will be easy to fly people and much will be achieved. I recommend this idea strongly to the Minister of Works and Transport and I want him to explore it. It isn't something that he should be ask to reply to on the spur of the moment. I think there are great possibilities and we can achieve quite a lot by this medium which I very humbly put forward.

Mr. F. N. Ajebe-Sone (Kumba North East): Mr. Chairman, I rise to speak in connection with sub-head 13—Road Construction and Maintenance. Sir, I don't know for what type of roads this money has been allocated here and if it is meant to improve certain roads of short distances then I will put it to the Minister of Works to consider improving the extension to the Kumba-Tombel road to the town. As I said earlier before I was interrupted, the road was provided to link the Southern Cameroons and the Cameroon Republic. That was the beginning of the connection and now that we are going to have closer links it would be necessary to improve the road to Tombel town because people from the Cameroon Republic who might want to travel to Buea, will first of all want to rest at Tombel to have some food and drinks and then continue from Tombel. It would be a disappointment when they suddenly got to a bad piece of the road where their car move badly and I think that will not give them a good impression before they connect this with the other end of the road connecting them with Kumba. The Minister of Works could do something to improve that section of the road; it is the same for those of us travelling to Yaounde by road, it is necessary for Ministers to stop at Tombel town.

Rev. J. C. Kangsen (Wum Central): Mr. Chairman, Sir, I don't want to add to what my friend the Honourable Ajebe-Sone has said. We have a problem concerning short roads in the Wum Division from the market square, Sir, at Wum to the Divisional Headquarters it is less than 2 miles to that bit of road, it is so winding and so narrow that many persons have escaped accidents on that road. Sometimes it was the Army, sometimes it was the Medical Officer as a few weeks ago and sometimes it was myself. It is a very bad piece of road, Sir, and I think the Minister of Works can do something about it. He surely can cause some widening to be done and I hope he takes note of that.

Mr. J. Nsame (Nkambe South): Mr. Speaker, I am trying to speak again on this Head 561. We do not, Sir, want to be pessimistic in what we say, but one piece worth nothing Sir is worth asking. Surely if the Government will be sincere and does not have any bad feeling in her mind she will be able to say here frankly that we have been energetically...(inaudible)...I am not merely saying this because I want to come back. However, Sir, I feel that I must make this point very clear to you because the people really need some sort of encouragement from the Government of the Southern Cameroons. After all, they want the people to develop in all spheres of life, in work and in social life and in everything, and it is up to the Government to do something for these people who spend most of their time in industry.

Now, for instance, the people of Nambe have made two roads to Mbem from where people get their oil. There is also very good timber indeed there, better than the rest of Nkambe, and if we had a road through this area we could use these things. The roads that have been constructed are not maintained. There is another road, Sir, leading to Kaka. I am sure the Minister of Community Development also saw this road and knows the condition of the road. Well, I think that Kaka area is where the Government has the greatest number of supporters and they should not forget the people there. They can get a lot of votes by not forgetting that. Now, there is another road which has been constructed for quite a long time and we need nothing but maintenance. We know we have already separated from Nigeria and are going the other way. We must not forget people in the Northern Cameroons even though they have gone yet another way. So I would ask that the road leading to Mambila should be looked at by the Government. There is a big market in Nkambe which has been started but is not completed. I want Government to look into this. There are other important markets which have been started and not completed. So I think out of this Community Development Grant Nkambe should have its share.

Mr. S. Moffor (Bamenda Central East): Mr. Chairman, I rise to speak on sub-heads 48 and 49 of Head 561—Public Works Extraordinary respectively, having voted 20,000 for consultants to check up on bridges. I have been all the time frightened whether I understood whether my own bridge would one day collapse and curtail the traffic from the coastal town to Bamenda area and that is one of the most important bridges in the territory. I think that something should be done by the Minister of Works to see the Consultants are brought to do the checking otherwise we will have to use the road through Nkongsamba and we are a little bit afraid of that...(laughter)...

And I come to item 49, Sir. I would like to refer Hon. Members to page 40 of the Supplementary Estimates on Community and Co-operative (?) by the Minister of Finance. Chapter 10 says that the new division for community development is established under this Ministry. I feel that the money loaned for this is supplementary under the Head 49 Community Development Grants which is only 12,000 which is a little bit inadequate. I feel that, if possible, more money should be provided to give more money to the people of the Bamenda area to enable them to go through various roads. At present Bamenda Native Authorities have insufficient funds to help their community efforts and I feel that something should be done and the Minister of Community Development and Co-operatives should do something for the people in Bamenda Division to see that this work is done so that all we politicians would be able to go round from one place to another to let the people themselves hear from us what we have in mind before the elections. Thank you very much.

Mr. H. McCartney (Special Member): Mr. Chairman, Sir, I would just like to make very short observations on the question of air-strips and road development. I would, Sir, fully support the proposal made by my Hon. Friend Mr. Mbile that a scheme for a number of air-strips be considered as they would obviously be great value, Sir. It would however, Sir, in my view, be inadvisable to provide air-strips at expense of road development. If you have air-strips, by all means let us have them provided, there is no impediment whatsoever in respect of road development, which to my mind must remain top priority for the development of the Southern Cameroons.

Rev. D.Y. Nyanganji (Nkambe East): Mr. Speaker, first of all I am sorry that Mr. Nsame has thrown my constituency to the K.N.C. (?). I am not very delighted. I want to remark that in Victoria the whole of development, a good Government always thinks of under-developed areas before going to any other area which has been developed already. Naturally,

Mr. Chairman, Sir, we know the coastal port of the Southern Cameroons is much developed that the upper size of the Cameroon, and I think that any Government should see that Nkambe is the head of the Territory. The leaves get carbon dioxide...(inaudible)...I am saying Mr. Chairman, that we should really concentrate, any Government at all, its thoughts now need development over the upper part of the Southern Cameroons. Coming down here (?) the K.N.D.P. is trying to keep the roads neat. Now Mr. Foncha is the Premier how should he start on Bamenda. A definite point I want to make is that whenever the Minister of Co-operatives and Community Development is making an allocation for development for various Divisions, he should make it in such a way that we should also be included. Some of us are not members of the Native Authority councils in our Divisions and some of us are not members of the Government staff in our Division and some Divisions are terribly manned by both the N.A. staff and Government staff that will come down here and vote fabulous sums for development. How much is it allocated to each Division. I am asking this to the Minister concerned. We want to be definite from now henceforth. Whatever funds are allocated to Divisions we want to know which forms they will come.

The Minister of Works and Transport (Mr. W.N.O. Effiom): Mr. Chairman, Sir, briefly I have to say that Government has taken note of Honourable Mbile's suggestion and the matter will be investigated by the Minister. Honourable Ajebe-Sone referred to sub-head 13 of Head 561. Now the allocation mentioned there is purely a sort of token figure to meet up unforeseen emergencies on the roads. It is not meant to tackle such parts of the road as Honourable Ajebe-Sone mentioned. I would like to say that the Kumba/Tombel road was made not to get it to Tombel Town but to drive the road to Customs Post and so the arbitrary frontier between the East and West Cameroon.

I should like to advise the Honourable Member that the little portion linking this road to the Tombel Town should be looked into by the N.A. and I think the Kumba N.A. is one of the very rich authorities here. Honourable Moffor praised the job being done on the Manyu bridge. I have to inform the House that the work has progressed very speedily and I think the report has been received by the consultants and further arrangements will soon be looked into to see about starting the new bridge according to advice.

So, Mr. Chairman, with these remarks I will close.

Mr. S.E. Ncha (Mamfe North): Mr. Chairman, Sir, I appreciate the building of houses but at the same time health stands first and I wish to say that the Mamfe Hospital does not compare favourably with existing hospitals in the Territory. As you know, we in Mamfe Division keep in with the K.N.D.P. have concentrated on the...(interruption)... in Mamfe and it is most disgraceful to see a Division which supports the Government in that way should suffer with a deplorable hospital. It is small and in fact a disgraceful hospital. The Kumba hospital is much better than the Mamfe hospital and I think the Minister in charge will note it very seriously and take immediate action.

The Minister of Co-operative and Community Development (Mr. J.M. Bokwe): Mr. Chairman, Sir, just a brief note. I wish to assure Honourable Members who have made remarks on item 49, Community Development Grants under Heads 561, that much is being thought in the way of the allocation of community development funds to the natives. As a matter of fact it is a question more of principle than allocation. The principle is that government has got to be convinced that the work which is being done in a particular area is one that raises sympathy and admiration. The Government is moved to admire the efforts the people are making on a special project, on a particular project, and it is only on that sympathy and the value of the efforts by them that Government can make allocation. It is not like in the general sense of making allocation under current estimates, in the current estimate Sir, we have permanent service of the Government. It is quite unlikely the community development funds will exiguously the services as a permanent service. We know it is only a question of a means to smooth an existing problem. With natives like this who want to put up a little bridge across a river out of their own personal endeavours and show government that these men are in dire need of some means of getting over the stream and they are trying to be practical. The means to get a piece of sand, to get some stones- Government feels it is beyond their capacity and only in that direction it is government who run to the aid of the people, to bring the people what is beyond their own capacity, what they cannot afford. It probably helps with some money for somebody to design a bridge, for someone as an expert to build the bridge, most probably a mason and a community development expert with the consultation of an engineer and the cost of doing this job to help the bridge across the stream; having been estimated by government to be beyond the capacity and the provision of the natives. Government further decided to allocate on the basis of sympathy and admiration, a certain sum of money to help and provide that service. But it is not like the case given by the Rev. Nyanganji which seems to need money to take a road from Fontem to Foto but that is the work of the Ministry.

The Minister of Co-operatives and Community Development (Mr. J.M. Bokwe): Our functions are to help the natives over problems which are beyond their capacity

Mr. V. T. Lainjo (Bamenda North): Mr. Chairman, this point I do not want to let go of it. The Minister has given the impression that he has been centralizing functions. If he has done what he has stated exactly, I would like to deplore it on the floor of this House. It is not good at all for the Minister to sort of control the plans of the community development in the way the minister has told us.

What is the normal procedure and what was done earlier and we like to see, is that the mission used to submit their development programmes to the minister and the minister made some allocation or made no allocation depending exactly on what the mission has asked for and that is more decentralized. Being more decentralized it is more helpful to the divisions and the various communities. I would like to emphasize to the Minister, that we can find no reasons for discontinuing that policy of decentralizing the administration of community development funds. If the minister has centralized them it would be deplorable and I would put it to the minister that it must be decentralized.

The Minister of Co-operatives and Community Development (Mr. J.M. Bokwe): Mr. Chairman, I beg to make a short rejoinder to what the honourable member has said. As a matter of fact, with all certainty the function has not been decentralized. The same policy stands as was done previously and the work has been done with more reasonable aspect than before. We have devised a means whereby by obtaining the advance programmes from the various divisions, councils and district offices we get to look at all these projects in consultation with experts now directing us and on that information, the basis of representations made by the experts who know the areas, who travel to the places, who can advice priority to the projects on a basis of important and vital importance, only then do we take a decision to project on our estimates what of the works has by such arrangement, such advice through the experts, we can have on the estimates.

Otherwise, if we left the matter to a practice such as he has said, the whole principle, then there is a tendency to misuse the funds, such as had happened on theroad. District officers formerly used to ask for money for their divisions and such money has been given to them in such manner as the Hon. Member has put it but after the money has been sent nobody has the responsibility of expending it. It falls foul to the hands of the N.A. overseas. The District Officer himself who has no responsibility for

official reasons for the money, was not able on many times to see that the project was being done. He depended upon the advice of the overseers, who were not responsible, not very serious and so much money got lost, fell foul in the wrong hands. The labourers get the help from it and is the wrong way it gets spent. I have innumerable petitions. One wherever £1,000 had been obtained from Government from these very funds and the money was dispatched and falls foul into wrong use. That was £100 gone without means of supervision. We feel that once you allocate money for services, the services must show the value of the money; otherwise, that is, for the services, there is the money for the money there is the service. I therefore think it is only through this new division that effective work can be done with the money which is now being given to areas. Actually no division is left out. Every division is given consideration and, so I said, it is a matter of principle. We have got to see how much the area has been able to do. We must be convinced the men know what they are asking. We must know the value of the project itself. There is no distinction. The plan is good because there is an expert who can advise the Native Authorities on the work which they are asking for.

Mr. S. E. Ncha (Mamfe North): I beg to ask Minister of Co-operatives and Community Development, ever since his Ministry came into creation, I have never seen him travelling up to Bamenda or to Wum road at all to visit the people or help to organize the people in how they should carry out their community development. I can say early this year when the K. N. D. P. were holding their convention at Wum, under that cover, I read a press release which was stating his tour, that is the very first time of reading of his tour as from Widikum upward. I do not know whether this special Minister was only made for the Southern part of the territory. And how would he know. Here he rejected what other members are talking about community development works. How does he make this out? If he does not tour the whole territory how does he do this?

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna)
Mr. Chairman, before I beg that the question be now put, I just want to tell my Hon. Friend, the last speaker, that so far as I am aware the Minister of Co-operatives and Community Development has toured a great deal in the grass field area, the Bamenda area. He has toured Wum area, the Ring road to Nkambe, and all these places. He has been to Ndop. I feel that this particular Head has been ably debated and I wish the question to be put.

Mr. Speaker: The question is ‘That the sum of 105,959 pounds under Head 561—Public Works Extraordinary stand part of the motion’.

Put and agreed to.

HEAD 562—CAPITAL EXPENDITURE

Question Proposed—‘That £4,818 under Head 562—Capital Expenditure, stand part of the Schedule’.

Mr. P. N. Motomby-Woleta (Victoria South-West): While appreciating that things have had to go rather slowly in this territory, there is one aspect which has been neglected. Possible because of a lack of foresight and policy.

The two newspapers in this territory are fairly young and are still suffering the usual teething troubles, and it is hoped that wherever possible the Government Press could be able to help. Especially in the media, in the field of block and screen photography processing. Facilities are nil in this territory for this process. In other regions, in the Federation of Nigeria and the Cameroon Republic it is the Government Press which processes photographs and blocks supplies to the newspapers of the country. It is only the big newspapers like Daily Times which can afford the process engraving and runs into thousands of pounds. I am aware of the fact that neither the Woleta Printing and Publishing Works and the Cameroon Printing and Publishing Co. Ltd. within the next five years can afford a process and engraving section. I think Government should think very seriously about providing this section to the Government Press and supplying latest photographs to the newspapers to publicise the Southern Cameroons as a whole and Government activities wherever possible. At the moment all the processing we do has to be done either in Lagos or in the United Kingdom and it is quite costly for the newspapers. As a matter of fact at one time I approached the Information Service as to why they could not even furnish the newspapers with mounted blocks of members of the house of Assembly and members of the house of Chiefs and high ranking officers. I was told that no allocation had been made in this respect. As a matter of fact to get blocks of the members of the house of Assembly the Cameroons Champion ran into an expense of nearly £100 and I am sure members are very happy when they see their photographs appearing in the newspapers that they do not have to bear the burden alone. Where for instance are the preparations for the celebration of unification? Local newspapers should have by way of publicity facts and figures activities and sceneries in the Southern Cameroons. While we are happy to see that a Rota print machine is being provided for the Government Press and it is being modernized in the best way possible I hope that will be given to the immediate establishment of an engraving section of the Government Press.

A very cheap one could be obtained within the range of £10,000 which could process copper and zinc. We have got to start somewhere. The Government can provide this as an initial arrangement and later on perhaps improve on this where they can. They could prepare blocks even for colour printing, a government itself needs these facilities not to talk of the presses of the country, necessities which even help government to publicise the activities. I am not asking for special grant-in-aid for the newspapers, I am just asking for this facility which other territories have provided realizing what a role the free press plays in the country.

The Minister of Finance, Commerce and Industries (Mr. S.T. Muna): Mr. Chairman, Sir, I just want to point out to my Hon. Colleague that I feel very sympathetic with points which he has raised facing the local press. First of all, as a matter of fact the printing of photographs and so on is a matter for information Service not the Government Press. At the moment it is not necessary for the Government to embark on these expensive block making facilities when it may not need them, it is not a matter for the Government Printing Press.

Mr. Motomby-Woleta: Provide the money to the Information Service.

The Minister of Finance: The point raised is a sympathetic problem and time will solve it.

The Parliamentary Secretary to the Ministry of Local Government (Mr. J.H. Nganje): Mr. Chairman, I have just a point to raise here while supporting the Hon. Mr. Motomby-Woleta I wish to express...(interruption)...

Question Proposed—‘That £4,818 under Head 562—Capital Expenditure stand part of the schedule, put and agreed to’

Sitting suspended at 11.30am.

Sitting resumed at 11.50am.

HEAD 563—DEVELOPMENT AND WELFARE

Question Proposed—‘That the sum of £168,474 under head 563—Development and Welfare, stand part of the Schedule’.

Mr. F.N Ajebe-Sone (Kumba North-East): Mr. Chairman, sir, I do not want to speak much on this Head but I’m prompted to say something under this Head because I notice that provision for water supply, Mamfe appears twice, the provision for the water supply, Victoria, appears twice,

but Mamfe appears only one. I also wish to make a statement that in connection with the development of the Tombel Water Supply I had a discussion with the D.O. and the Director of Public Works...(inaudible)..

The Minister of Works and Transport (Mr W.N.O. Effiom): Mr. Chairman, Sir, I think the Honourable member has nothing to fear. The fact that Mamfe water supply is mentioned in the Estimates twice and the same with Victoria doesn't mean that they are given provision at expense of Tombel water supply. But the Tombel Water Supply, I think as the member has said, I will be at Tombel at 10 o'clock tomorrow to tell the people there precisely their problem. I think there is no fear; it is the intention of Government to continue at all costs all existing schemes be furnished by C.D. & W. funds or the territorial funds. But as regards Tombel water supply additional provision is being sought and this thing is going to continue. I am very much worried myself by the very wrong impression given in the local papers about that scheme but I wish to allay the fears of the members that coming to the end of Trusteeship doesn't stop the continuation of the Tombel Water Supply.

Question—"That the sum of £168,474 under Head 563—Development and Welfare, stand part of the Schedule, put and agreed to'.

HEAD 546 –CAPITAL WORKS EX-FEDERAL

Question—"That the sum £90,664 under head 564—Capital Works Ex-federal, stand part of Schedule, put and agreed to'.

Mr Speaker: The question is that the Motion be presented to the House without amendment, put and agreed to.

(Mr Speaker resumed the Chair)

Bill reported without amendment.

In pursuance to Standing Order 64, the Minister of Finance, Commerce and Industries moved—"That the Bill be now read the third time and passed'. And Mr Speaker put the question thereupon to the House without amendment or debate.

Question put and agreed to.

Bill accordingly read the third time and passed.

The Minister of Finance, Commerce and Industries (Mr. S.T. Muna): Mr Speaker, Sir, I beg to move—"That this honourable House, taking into consideration the constitution of the future Federal Republic of

Cameroon, approves the action of the leaders of the Southern Cameroons in the negotiation with the Government of the Republic of Cameroon, concerning the form of Federation and thanks the President and Government of the Cameroon Republic for co-operative and brotherly manner in which they have conducted the negotiations;. Mr. Speaker, Sir, as Honourable members are aware, this motion was previously moved by the Honourable Premier and because of unforeseen difficulties it has lapsed, but because we feel that this motion is of paramount importance to the whole nation we cannot afford to have it lapse, and for that very reason, Sir, we crave the indulgence of this House to have it on the Order Paper this morning.

Indeed, it would be needless for me to read all these salient and important points which were brought before this House by the Honourable Premier but this, Mr. Speaker, Sir, I have to say. In considering the Constitution in approving the action taken by the leaders and in thanking the President of Cameroon Republic and his Government for the co-operation that they gave, I think there is a great deal to be said on behalf of the people of the Southern Cameroons. It is difficult at this moment, Sir, to comply in this short time how the negotiations started, how the action started and who should rightly be called the leaders. Certainly all Honourable Members will agree with me that we have been fortunate to implement, or to give the finishing touch to the action that been started by those who have passed to the blessed land beyond.

Sir, in making this I think it would be incumbent on us to pay special tribute to people who have fought doggedly to maintain the identity of this country. The lives of the late S.A. George and that grand chief and father Chief Manga Williams – two great men who have fought; and, Sir, it would be needless, I say, to go over the whole story again. Everything we have done culminated in New York when the Trusteeship Council and the General Assembly gave its final decision and then the leaders from the Territory who had gone there with divided minds, returned with one single mind. We came back with a unified front to co-operate together and make negotiation possible. From that day, Sir, I think we the leaders sitting in this House really have ourselves, with the support of our people, to congratulate for the steps we have taken and the first step which has won us this happy moment, is the measure of co-operation which we adopted in New York. Definitely there were many people who have been sceptical and cynical in this policy of co-operation, but they will see the effects which we will soon be harvesting now.

Mr. Speaker, Sir, the conference at Bamenda we asked delegates from the native Administration, our natural rulers from the House of Chiefs, members of political parties who are present in this House and major

ones outside this house. For many days we debated and considered the pros and cons of the proposals for bringing the two sectors of Cameroons together. Our views were not unanimous but on major principles were unanimous. From the Bamenda conference, Sir, we next proceeded to Yaoundé, I mean to Foumban, to get our views matched with those of the Cameroon Republic. The discussions on the constitution we produced, I am sure members read them in the Press Release and also the reports which were produced.

Well, now Sir, all these various steps and the actions taken were on a broad principle of a Federal Constitution, a Federal country which in fact was subject right from the start.

Mr. Speaker, Sir, I think I shall not do myself justice if I fail here, apart from thinking ourselves as leaders, to make particular reference to the President of the Republic in person and our Prime Minister also in person. There is no doubt that at any particular time when people are faced with difficulties and that with goodwill reigning, we have the right people selected to lead the people. I do not know why I feel like this, but I think no matter how much and how far you have preached this policy, but for President Ahidjo being the Prime Minister of the Cameroon Republic and but for Honourable J.N. Foucha being Prime Minister of this territory—I may be right, I may be wrong – this question of unification would have taken perhaps a long time to achieve. These two leaders seem to have come from the same parents, with the same degree of tolerance, their humility, their moral qualities, their characters and fear of God, is to me indescribable. I think when things will be stable, when the people of the Cameroon will rejoice as Cameroonians, they will not fear to be known as monuments to memory of this great Nation. Mr. Speaker, Sir, it has been said and I know there is nothing I am saying which is new to rally all of us in this House, although we need not take part in discussing the Constitution or have not taken part in directing the action taken, in one way or another one, we have stood among people criticising the Constitution propounding another one, and all the pros and cons of this Federal Constitution are quite fair to most of us.

So, Sir, I think it is quite proper that this action taken by ourselves for our country goes into record in our hands, because in the heart of our country, certainly, people will say ‘yes when our leaders at one time faced the storm and wanted the people of the territory to voice all their difficulties, they all came together and approved a Constitution for our untied country’. Mr. Speaker, Sir, I am quite optimistic that we the leaders have promulgated a useful, a good constitution which under a stable Government, which if handled by a people who are God-fearing, we shall lead this nation to a very successful end. Mr. Speaker, Sir, I don’t want to

belabour the motion. It is explicit and I hope Hon. Members will give it the blessings it deserves.

Sir, I beg to move.

Mr. P.N. Motomby-Woleta (Victoria South-West): Mr. Speaker, Sir, I rise to second this motion. And in doing so, Sir, I wish to say that this side of the House in our determination to help along unification, we shall not abdicate our right to criticize, urgently if need be, whatever measures are to be taken in this territory, which we feel would not be to the best interests of the people. I was saying last time, Sir, that we cannot give tacit approval to the way the proceedings, or the bringing about, of the formation of this Constitution was handled by our colleagues of the K.N.D.P. At one time they took us into confidence; at another time, for reasons best known to them, they chose to go along alone unaided by us. We have always maintained that two heads are better than one and Constitution making is not the exclusive right or prerogative of a few, Parliamentary or political leaders. Constitutions are not written on tablets of stone or on printed paper, but on the hearts of men. Sir, even at this early stage, I would like to recall what President Ahidjo said in Foumban during the conference we attended there. With your permission Mr. Speaker, I will read. President Ahidjo said in concluding the conference at Foumban, ‘As I have said before, Gentlemen, the merit of a Constitution does not derive from its length, but from the spirit which emanates from those people putting it into operation. If people, be ruled by patriotism and determination to work for those people for whom the Constitution has been drawn, which experience has not been able to show us’.

This brings me to the second point we would like to make. It takes several decades, as a matter of fact, to bring a constitution, some constitutions I may say, to a workable standard. Constitutions evolve with experience before they are perfected. I therefore do not want anyone in this Honourable House or anyone in the Southern Cameroons, for that matter, to think that this constitution as has been published is perfect.

Experience, Sir, this Honourable House would have to teach us many things which we cannot see at the moment. We are particularly handicapped in that we have propounded part of this Constitution in rush without an opportunity to seek expert advice from outside the members of this House, and from outside the members of the political parties.

If, Sir, this Honourable House would have it in mind that the method of perfecting this constitution should not be cumbersome and difficult then it is a good beginning, but if we are going to stick to the letter of Section 47 of this Constitution, Article 47 Mr. Speaker, which talks of the revision of the Constitution says “No proposal for revision of this Constitution

which affects the unity and integrity of the federation shall be admissible. The initiative for undertaking a revision of the Constitution shall be vested concurrently with the President of the Federal Republic in constitution wit Prime Ministers of Federated States, and in the members of the Federal National Assembly. Any proposal for revision submitted by members shall bear the signatures of not less than one third of all members of the National Assembly. The revision shall be voted by simple majority of all members of the Federal National Assembly, with the provision that such majority shall comprise a majority of the representatives to the Federal National Assembly of each Federated States The President of the Federal Republic may under the same conditions as for a federal law, request a second reading of the revision bill.”

Mr. Speaker, Sir, in my opinion this process is a little bit water-tight, because as we go along even now we may discover flaws which we would urgently like to rectify. I do hope that Mr. Foncha would place himself in a position to be able to hop across to Yaoundé and say to President Ahidjo ‘I think we have made a mistake here...’

This Constitution is still being formed, it is still in the crucible and if we make sure that the process of making amendments in this constitution would not be made very difficult then we would be starting off very well.

Mr. Speaker, Sir, the next point I would like to touch upon is to amplify this stand of the C.P.N.C. the official position in this Honourable House as political party. In this vein I would like to recount that the C.P.N.C. is the party which stood for association with Federation of Nigeria as against Unification with Republic of Cameroon. In doing this, Sir, then and now we did what was in our opinion in the best interest of the people, of ourselves and the people we serve. Sir, I would like to be hanged a thousand times over for holding that view then and holding it now. Well, Sir, if men like Lennox-Boyd, the Colonial Secretary under whose tutelage very many great countries have emerged advised hopefully that the best friends of the Cameroons see no cause which could be better for her than to continue with Nigeria. I think he is the first man to be nailed on the cross even before us. Students under Colonial tutelage take a leaf from him and when the facts and the implications held ground that we would rather leave the Southern Cameroons to continue the association with Nigeria than to Unification. But, Sir, I don’t want to recount what went on; there was a long drawn battle, a battle of opinion, difference of opinion. Somebody saying going west is best, another saying going east is best, that is all. But it went deeper than that because of the type of politics and atmosphere which had come to find root in the Southern Cameroons, the campaign degenerated into personal attacks, where some people were called traitors, those who advocated one course were dubbed traitors, they were called

all manner of names and would have been killed, Sir, destroyed with full hope that in killing them the Cameroons Nation would be saved. Feelings ran to that pitch. They did run to that pitch. There was a lot of blackmail and there was lot of misunderstanding. This is not new, Sir. Mr. Speaker, Sir, I recount the experience in the Hague of the brothers, Cornelius de Wilde and John de Wilde in the memorable story written by Alexander Dumas and entitled 'The Black Tulip' where two brothers were destroyed who were thought to be leading sabotage against Holland with France. It was after they had been killed that their letters were discovered and they were acclaimed heroes and not traitors as they. They were destroyed and their lifeless bodies torn to bits in the name of nationalism. I do not pray, Sir, that the general motive behind or what prepared some of us to believe that our best course should have been to continue the association with Nigeria. I do not hope that we too would have to be eulogized posthumously.

The question, Sir, was put to the vote and there was no shadow of doubt whatsoever that either rightly or wrongly the inhabitants of Southern Cameroons had opted for unity with their brothers of the Cameroon Republic. It is the final verdict and it is the same motive which animated us to maintain that federation with Nigeria, in our opinion, was the best course for the Southern Cameroons, which made us appeal even to the United Nations to the point of desperation where we called for this country to be split. I wish to say, that in this I see victory for nobody. I know no one who has been defeated or vanquished. The battle was purely an ideological battle, a battle of opinion and on a delicate subject like the future of the people, I do not know, Sir, that it is yet a gift of mortals to know a thing about the future, even the next second. Mortals have not been able either by radar or nuclear devices to know one second what would happen a second hence. As a matter of fact the heart-beat of an individual is a second and he will be singing the funeral march to his grave.

Mr. Speaker, Sir, I wish to state that the C.P.N.C. having weighed all this and recognizing that it was the purely ideological battle and the verdict having been taken was conclusively that the Southern Cameroonians would like to unify with their brothers of the Cameroon Republic, we have no alternative but to give 100% co-operation to this verdict people. I said earlier Sir, this determination of ours must not be misconstrued to mean an abdication of that, our right, the right of the Opposition to criticize pungently if necessary any measures which we feel may lead the territory astray and it is in that spirit Sir, that I hope the K.N.D.P. will accept any criticisms which we may level at this constitution or at any other processes of bringing about unification. Sir, the Opposition is the watch-dog of the people; if the Opposition goes to sleep naturally the

Government will run riot and that would not be to the best interest of the people. I do hope and I know that the Southern Cameroonians hold the Opposition dear at heart and that they do know that we are fulfilling a very useful and vital function. It has been unfortunate Sir, that certain individuals and certain institutions have done everything within their reach Sir, to besmirch and misconstrue our effort in criticizing certain measures whilst we have the green light generally to unifications. There has been a ceaseless warfare on certain individuals, leaders of the C.P.N.C. by a section of the press in this territory which I think should be deplored by all well meaning Southern Cameroons. I do not know what else leaders of C.P.N.C. are to do, if they criticize they are called names, if they choose to keep quiet they are given all sort of names. As a matter of fact a section of the press in this territory went to say we are lying low because we wanted offices and appointments, the press went out to spell how Dr. Endeley had been tipped to be Governor, the Honourable Mbile had been tipped to be the Minister of Finance, Motomby-Woleta had been tipped to be the Speaker. Sir, nobody had ever discussed such a thing, I know the K.N.D.P. had never discussed it. As a matter of fact they did not know what the constitution would be whether it would provide for Governor or not. Nobody could have tipped Dr. Endeley to become Governor. This press simply went out to embarrass us and this went on for quite a long time for motives best known to themselves Sir. We can see the handwriting on the wall. The hand is that of Esua but not the voice. This section of the press which purports to support K.N.D.P. I know if the K.N.D.P. has not discovered already the subtle intention of the press they will do so before very long. Sir, having given my mind on the floor of this House and having said clearly what the attitude of the C.P.N.C. is towards unification, I think we can go ahead and point out a few flaws in this Constitution.

The first one is about the Bamenda Conference which we and the C.P.N.C. attended. Also at the Foumban Conference, we who have been brought up in the fashion of Westminster insisted that the Fundamental Human Rights be in the clauses of the Constitution. We were very disappointed to see that only a passing mention and only a naive attempt to include it in had been made. I don't think it is a preamble from Yaoundé, it was from Foumban perhaps, I am not sure. A very weak attempt was made at having it in parts of Article 1, paragraph 2. The Federal Republic of Cameroon and Nigeria Constitution have this Fundamental Human rights spelt out in it. You can therefore understand our very strong feelings about the omission from this Constitution. Certain of them Sir, one under Article 5, but how do we leave the rights of man to come under the purview of law making? I think it is very wrong. Law making is influenced by many factors, by time and moods and it will be wrong to leave the fate of what man lives for in the hands of law makers.

Mr. Speaker, Sir, there is one thing, however, which deserves a bouquet and that is Article 18 of the Constitution which states 'Before promulgating any bill the President of the Federal Republic may of his own accord or on request by the Prime Minister of either State request a second reading, at which the law may not be passed unless the majority required by the last preceding Article shall include a majority of the votes of the members from each Federated State'.

This is a very good safeguard on the paper, Sir, but like all good things they could be twisted to the detriment of mankind. I am not going to suggest, Sir that there are a few ways where the provision of even this very necessary safeguard could be abused. I do not want to do any negative approach to this now. Sir, it therefore means that we shall depend wholly and solely on the good sense of the President and on the vigilance of our Prime Minister if laws inimical to the interest of West Cameroon are not going to be passed to have the courage to say 'No I don't think this law is a good law'. That is the power for a second reading. And let us hope we shall always have a Prime Minister in this State, if Mr. Foncha or his successor, a Prime Minister valiant enough who would have the courage to say 'No comrades of the East Cameroon, notwithstanding your numbers and your own achievements and your own good intentions, I don't think this law would be to the interest of West Cameroon'. If we were sure that would always have such men, then the inclusion of Article 18 in this Constitution is perfect and classic.

Mr. Speaker, Sir, while we are talking on this Constitution I want to praise leaders. I would like to say, Sir, that it would be wrong for me not to point out to my friends of the K.N.D.P. that they have shifted ground considerably, from the proposals they brandished to the electorate at the Plebiscite campaign and what has finally come out in the Constitution...(interruptions)...Mr. Speaker, Sir, perhaps they have not realized it, but they just want to pick up the pamphlet they circulated just before the Plebiscite and the present Constitution which has come out of the other end of the kiln you will find very little in common, so that while the C.P.N.C. relies on its ideology and policy the K.N.D.P. the exponents of unification, are satisfied with this Constitution I think we too are satisfied. But they should not go to sleep and think it is all well. They should be vigilant in watching for possible abuse and the very many slips which are apt to attend this experiment of unification, because that is the only way we shall succeed. Sir, the K.N.D.P. has a duty, a duty of so bringing about unification with the 100,000 people who voted against it, 'They almost regret to say 'ah, we were going to the wrong, to vote for Nigeria'. It is true. I should have expected them, Sir, to be very prayerful and humble instead of being boastful on the assumption that there would

be no difficulty to make the people regret with them the fact of unification. It is only divine providence that can give them that assurance and not mutters on that side. I said that they have a duty, I thought they would in all humility and modesty say 'we shall try'. Mr. Speaker, Sir, before I take my seat, I would also like to touch on this one aspect, on the mechanics of events that lie ahead of, actually bringing unification and the days immediately after October 1. These days are not going to be so nice for anybody in the Southern Cameroons, not even for the K.N.D.P. They are days, Sir, when we should all do our best to work in confidence and quiet determination-absolute confidence one towards another-with a determination to succeed. Suspicion, greed and avarice could not help the situation at all. Nobody, I don't know anybody in the K.N.D.P. who could claim to be the repository of all knowledge. The K.N.D.P. needs help from all, including the C.P.N.C., and others who may be doing business in this Territory. The K.N.D.P. need to woo and court the goodwill of all the inhabitants in this Territory-either directly or indirectly-for its well being. It needs it very badly to cement the foundation of unification.

Mr. Speaker, Sir, this side of the House joins in the sentiments expressed in this motion, in the promise of thanking the President and the Government of the Republic for the co-operation and brotherly manner in which they have conducted these negotiations. Sir, it is our wish to reunify with them which has made them change their constitution. They were quite a happy lot with their unitary form of Government and we cannot ignore the change, the radical change, caused in their constitution because of our joining them. The sacrifice made in this respect is fully appreciated by members of this side of the House. Secondly, we know that President Ahidjo and members of his Government are very nice gentlemen. They are cordial, they are hospitable-as a matter of fact they are hospitable to a fault. One only needs to remember the entertainment, the nice chop, the drinks and everything that is within our reach...(laughter)...

Mr. Speaker: The Honourable Member has a minute to go.

Mr. P. N. Motomby-Woleta (Victoria South-West): So Mr Speaker, Sir, it would be unnecessary for us to drag this debate unusually lengthily. I have spoken my mind, that the debate be kept open for suggestions for a further improvement in this Constitution and that the atmosphere be cleared once and for all for further co-operation and the determination to work and succeed.

I beg to second.

Mr. F. N. Ajebe-Sone (Kumba North-East): Mr. Speaker, Sir, I rise to associate myself with the sentiments already expressed by the brilliant speaker before me. I hope, Sir, in my own small way, I will be able to make suggestions and if I do repeat anything it is Sir, because I want these facts to sink into the memory of the Honourable Members. This motion calls upon this House to approve the action of Southern Cameroons leaders for the part they have played in discussing and negotiation with Cameroon Republic for a Federal form of constitution which will come into operation as from the 1st October. Sir, had the same process of discussion and negotiation been carried out as has been done in the Bamenda and Foumban conferences, I would not hesitate to approve of the action taken by the leaders. It is a matter for regret that the Opposition was not associated with the talks which ended in the final draft of the constitution of our unified Cameroon to be. We are thanking all the Southern Cameroon leaders for that contribution they made in the Bamenda and Foumban conferences. I condemn and deplore vehemently the attitude the K.N.D.P. Government adopted at the Yaoundé talks by excluding the Opposition members. I consider this, to be a betrayal of trust. Now that the constitution, Sir, I ask members of both sides of the House whether they feel satisfied that the feelings of the Southern Cameroons people have been reflected fully in this draft constitution.

I repeat some of the points the Honourable Motomby-Woleta, a colleague of mine said but I would take just a few of the amendments proposed by the Southern Cameroons delegation. Sir, in Article 1 the Southern Cameroons delegation asked for a modification of the national flag and motto. They suggested that the federal capital should be in Douala instead of Yaoundé in order to avoid a feeling of inferiority, a feeling that we have integrated with the Cameroon Republic. Sir, I think in all forms of federation there is always a federal capital and as I have said already this morning, it has not been reflected in the constitution. It is because the K.N.D.P. was not in a position to bargain well. I am sure if they had gone on longer with the negotiation their bargaining power would have improved. We are therefore registering our dissatisfaction with this draft constitution. We cannot swallow it hook, line and sinker. Our comments must not be interpreted to mean opposition to the course we have set ourselves to, the course of building a Cameroons nation. We must appreciate the fact that in this process of unification we are faced with formidable difficulties due to the fact that we are trying to enmesh West Cameroon to the East Cameroon State whose administration and political thought is French.

It is, therefore equitable if not imperative that there must be constant consultation between the Government and the Opposition and that any attempt to take unilateral action or to blackmail the Opposition must cease. Speaking for myself, Sir, not necessarily as a member of the C.P.N.C. Opposition, the situation in which we find ourselves calls for national reconstruction. We must avoid anything that will breed hatred, fear and inhumanity. I trust I shall be pardoned if I venture to make my views clearly stated in this Honourable House. To achieve a stable and a peaceful united Cameroon nation, Sir, I humbly suggest the following: Firstly, the formation of a national Government is imperative. We cannot afford to waste our human resources. In this country we have men, even outside parliament, who, if our present Southern Cameroons Constitution had provided for, we would even go to the extent of saying that it were up the running of affairs. We would be necessary to invite parties outside, O.K. not exempted, in forming this national government.

Secondly, Sir, representation from the Southern Cameroons to the Federal Provisional body must not be based on party affiliation. We must send our best ten from the Southern Cameroons to meet the best forty from the Cameroon Republic. We shall be only ten among forty and we must have our best ten.

Thirdly, Sir, with the mass exodus of the expatriates and non-Cameroonians from the Southern Cameroons, I would recommend that the policy of recruitment should be overhauled so as to make it possible for all peoples from outside the Southern Cameroons to be engaged, so that these men would be on contract for five years and the Government would be in a better position to embark upon a vigorous training program which would be able to provide us with Southern Cameroons in various departments. Sir, as the speaker before me has already said, the position in which we find ourselves is difficult to assess and we do not want to go back trying to open old wounds. We wish that the members of the Government should take the Opposition into confidence and that they should mediate over these facts, so that before October 1st or immediately after, we should be in a better position to organize the affairs of the Southern Cameroons.

We must know that we are going to have radical changes, changes which the people of the Southern Cameroons did not advocate for, and unless we join forces, it will be difficult for anybody to be at the head of affairs. Sir, I do not intend to go over the points which my Honourable colleague have made, but I am putting it to this House that in principle we support the Constitution, but we register our dissatisfaction that the K.N.D.P. quietly excluded the Opposition at the final talks. I also wish to have this opportunity of expressing thanks to President Ahidjo and the Cameroon Republic as a whole for their generosity and good-will to accommodate

us in a structure in which they will lose something. I hope that they will continue with the same good-will and then when the Federal United Cameroon Government is formed we shall not find it difficult to put our points across.

Sir, I beg to support.

Mr. N. N. Mbile (Kumba North-West): Mr. Speaker, Sir, I do not intend to make a long speech on this motion, but I wish to take this opportunity to speak my mind and not to be quoted as speaking when I did not speak. Mr. Speaker, Sir, as speakers before me have indicated, we live in strange times. We live in strange times. Not because those of us within this room have vowed to live foul or to act meanly, but because, Sir, behind us, outside this House there are pressure groups, there are bodies of men which have set themselves out to achieve their ends and which quite often use us merely as instruments for the achievement of those ends. And, Mr. Speaker, Sir, we have often found that incidents do arise where a party is credited as having done something or not have done

Something, not through the leaders, the accredited leaders and representatives of that party, but through these shady characters in the back scenes that are fast at work seeking to harvest where they did not sow. Sir, that is why I stand up to speak. I was not originally listed to speak on this Motion. There is, Sir, existing today, an undercurrent of intrigue against some of us. And information reaching us, Sir, from Yaoundé, confirms that there are groups of individuals within the territory quite unknown, possibly, I believe it is quite unknown by the K.N.D.P. itself, but by people who are behind the scenes, who are possibly posing as leaders of the K.N.D.P. behind the scenes, who are putting us forward in strange forms and in strange colours in Yaoundé. Mr. Speaker, Sir, I am happy that my colleagues who have spoken before me have made our position very clear, that we shall never offer our apologies to anybody for holding the view we held. And that whatever happens, whatever we shall build out of unified Cameroon, I shall never have cause to regret that I had an opinion in which I believed, because it is not only one opinion that is right on earth, a thousand opinions may be right, Association with Nigeria could have been right. Unification today claims to be right because the majority of the people in the Southern Cameroons voted that choice. But Sir, association with Nigeria could also have been right. If the majority of people had opted, that we are free Sir. On the question of regret or apology I have none and I also have one to offer, but as my colleague have put it clearly before me we decided as democrats to accept the verdict of the people when Sir, in 1959 the results of the elections the general elections gave 14 seats this House to the K.N.D.P. and 13 to us many people

wondered what was going to be our reaction, but Sir, we gave out with a statement which made our position abundantly clear that we accepted the verdict of the people and that we come here to sit as Her Majesty's Opposition in this House, many people were generally surprised at our action, they thought that we were going to run to the forest and set up guerrilla warfare or turn to less honourable methods of winning back. We did not. Here we are. We have served two and a half years as loyally as Opposition in the House. When the verdict of the plebiscite vote came out we prayed to the United Nation for partitioning of this territory. The United Nations like the good godfather said to us don't split up your country, work together you might build a Nation of which you might be proud of our which your children may be proud of that united effort....

Mr. Speaker: It is now 1 o'clock and the House will be suspended until 3 p.m. this afternoon

Sitting suspended at 1.00 p.m.

Sitting resumed at 3.00 p.m.

Mr. N. N. Mbile (Kumba North-West): Mr. Speaker, Sir, as I was saying before we rose for lunch there is a group of men in the Cameroons today who have not disagreed with some of us for genuine motives and for fear of human political differences. They have their motives other than genuine difference of opinion because, Sir, in spite of the fact that we have come back from the United Nations and we have said such as we did not believe in this idea of unification since that nation, the majority of the nation has opted for it we shall not be serving our people if we do not lend full support to the implementation of unification in the smoothest possible manner.

In spite of that, Sir, this group of men has continued in their vile attack on our persons, on our character and on our motives. This group of men is, Sir, principally centred around Victoria and perhaps for want of a better name we have often referred to them as the 'Kontiki Grou', Sir, you may be sure to hear that the latest plan of these gentlemen, I hope they are genuine gentlemen, is to blackmail us before people in the Cameroon Republic by reporting, or by causing to be reported, by some people who have been sent here, what we have not said about people in the Cameroon Republic. Reports have gone, Sir, to the Cameroon Republic about meetings, fictitious and fake meetings which we of the .C.P.N.C. have held, prominent amongst whom were Dr. Endeley, the Leader, and myself, Mr. Motomby-Woletta and others, and we have been quoted, Sir, as saying things we have never said. We have never, Mr. Speaker, held any public

meeting together with Dr. Endeley it is not because we have nothing to say, it is because we wanted to allow silence, the dignity of silence, to prevail in the atmosphere and to be able to influence the community generally to full observance of the spirit of a truce which we all signed. Sir, it is very simple to cause trouble and confusion. The more difficult thing is to construct and to build unity and love. I am not saying these words here, Sir, in order to let those whom we have been representing know, because, Sir, ultimately there is somebody greater than all of us here and outside. That somebody is Divine Providence, he controls the universe, he controls men and he controls the climate, he controls everything. We are not banking on any individual; Sir we are banking on right and we are banking on the human equation. Sir, the human equation lays down rules which no human being can change. He may reap where he did not sow. Sir, he will ultimately pay back some day. And so these gentlemen in Victoria who think they have the way out and have set out to blackmail us before the Cameroon Republic as spies to write fictitious report about us. Sir, there is one thing you can do to me, you can cut my neck and seal my mouth, but while I breathe I shall say that which is right, I shall say that which is true, I shall stand by my party.

Sir, I have met President Ahidjo on two occasions. I met him while he was here in Buea this year. I met him also as Fouban and I have my opinion of him. Sir, I was very careful not to make an extinguished statement of diplomat. I heard about opinions people held of him at the United Nations. I was listening, Mr. Speaker, to the speech of a young Mallam in the Fourth Committee of the United Nations and he said something of President Ahidjo. 'He is a great statesman and I have the greatest respect for him'. This is what young Mallam said of President Ahidjo at the United Nations. This was the occasion, Sir, when the resolution on the Southern Cameroons was being debated at the last meeting of the Fourth Committee of the General Assembly. As I said earlier, Mr. Speaker, I also have, in my humble way, my opinion of President Ahidjo, and this I have gathered in my two meetings with him.

Sir, when we were invited to go over to Fouban for a constitutional conference there were all sorts of thoughts in our hearts. Lingering doubts as to the wisdom of going into a territory that we did not desire to join; lingering thoughts of the personal impression that we would be open to; lingering thoughts, Sir, of the type of reception we might have; lingering thoughts of what might be the entire outcome of our sojourn into that territory. But, Sir, we decided to go because we have set ourselves to achieve a purpose in our lives, we have taken on this thankless job of rugged politics in Africa, and we were called upon to go and draw, make up, towards the drawing up of a constitution that would control the lives

of ourselves and our children and their children, and we cannot flinch from this. So off to Foumban, Sir, we want. We got there and there was a lot of shaking of hands and display of welcome in Foumban itself. Sir, we do not know-personally I looked at all this with scepticism and doubt-I did not know whether this was a genuine reception or whether it was as a show of force. But Sir, we were given a rousing reception and yet I still had my lingering doubts-as it should be with a cautious man, a man who has spent 15 years of his life actively in the game of politics. But, Sir, when I listened to President Ahidjo making his first speech in our joint meeting on Monday the 18th July, 1961, this is when he said that-with your permission Mr. Speaker, Sir, I wish to read: 'In less than three months from now the union between us shall be... a fact and we should prepare for it with a faith and high sense that such a task requires whatever may be our desire. Many technical difficulties remain to be overcome as we shall see as the work goes on'. On this point, Mr. Speaker, Sir, I draw your attention and that of Honourable Members. This is not to discourage us, for already we know that solid constructions are never accomplished with a sweep of a hand but it is essential that whatever might have been the respective positions held before, the Referendum, we approached all these questions with total goodwill, that we approached them with neither regret nor bitterness. Sir, the President went on: 'In a question of this nature there should be neither victor nor vanquish'. I repeat, Sir, that he said these solemn words: 'In a question of this nature there should be neither victor nor vanquish'. Our motion is not to defend personal positions but to make the best of our experience and our abilities to make a re-unified Cameroon that shall be organized and prosperous-and these last words I have underlined in deep blue ink. 'I appeal to all my fellow countrymen from across the Mungo that whether they be of the majority or the minority, whether they were accepted or rejected during the plebiscite, I appeal to them to turn forward to the future with all sincerity. The Cameroons of tomorrow needs all its children and none are considered redundant'...

Mr. Speaker, Sir, this is what President Ahidjo said and those words sink deep. These words lightened our steps as we moved about the streets of Foumban. We have entered, undoubtedly Sir, with heavy steps but we were moving about with this encouragement from a man who knew what it is to face fighting from a position of fear, fighting the possibility of embarrassment, what these words would mean to us. This was how President Ahidjo opened his speech by reassuring those of us who are being jeered at by other men, he had to understand better than somebody else, these words Sir, with which we were received by this statesman. Sir, we have our own opinion of President Ahidjo. I do not regard that our fate, or anybody else's fate for that matter, is in the hands of any mortal

or human, only in hands of God. But, Sir, I feel that this was wonderful of President Ahidjo, this was first-class statesmanship. That men who had fought against the idea of joining him were given such encouragement and reassurance on the first occasion of our meeting officially and I did not leave Foumban with as much pessimism as I left Buea. I began to wonder whether after that meeting we could see a way out of what I regarded as a bleak and uncertain future, a plunge that we were taking without knowing the risks.

President Ahidjo expressed them, Sir, as a statesman, as a sympathizer, as a friend. I wish he had those same feeling for my own countrymen here who spend all their nights intriguing even when I have accepted their point of view. Sir, as I sit down I wish to say that we on this side of the House hold a position-we have made our position very clear-that we are prepared, as long as we are alive, as part of this country, to contribute, in spite of what some persons think of us. Sir, I am assured, much encouraged, by these words, in taking this stand, very much encouraged because I am not alone. Very much encouraged, Sir, because before us thousands have come and gone and they have been guided by these immortal words-dare to alone, dare to have purpose true and dare to make it known.

Mr. Speaker, Sir, I beg to support.

Mr. S. Moffor (Bamenda Central East): Mr. Speaker, Sir, I have very few things to say about this Constitution. This Constitution was debated in the House of Assembly in Yaoundé very simply and over 93 members out of 100 members voted for Constitution and few others against...(interruption)... When you abstain you say nothing and do not vote. But the majority voted for Constitution. Few of these members failed to vote and those were disgruntled politicians who were not invited by President Ahidjo to attend the Foumban Conference. They were more personal over the whole issue and then they abstained from voting.

Now, according to Article 1 of the Constitution, Sir, we have agreed that Federal Republic of Cameroon is democratic secular and social. It recognizes the equality before the law of all citizens, it affirms its attachment to the fundamental freedoms contained in the Universal Declaration of Human Rights and the Charter of the United Nations.

If we go into details about these fundamental human rights we speak of freedom of expression, freedom of press, freedom of speech, freedom of movement and freedom from false imprisonment, and this has given the safeguards to all political parties to operate without oppression or being victimized by the government.

I am sorry that my Hon. Friend, Mr. Motomby- Woleta is away. He did say something about freedom of opposition. If we consider our brothers, with

the population of 3,200,000 and we here with our own population of 800,000 then the question of opposition in its real sense or meaning also applied to us as a whole. The K.N.D.P. may be one of the most fortunate party which is less than the minority. But I can assure members that Hon. Endeley made a very nice statement about the constitution in Foumban. Mr. Speaker, Sir, I crave your indulgence to quote the relative portion of that statement. He explained the principle of the constitution and the goodwill of the persons who apply the text of the constitution is more important than the text itself.

I am appealing to all members of this Honourable House to join hands after passing this constitution, we should join hands and see that it is properly formulated.

One person, a constitutional expert in this volume here, Mr. Speaker, I still crave your indulgence to quote again Mr. Speaker- 'The Constitution of ... is a composite of charters and statutes and judicial... of common law, of precedents and usage or traditions, it is not one but thousands of them. It is not derived from one source but from several. Unlike other constitutions of the world, the English Constitution has never been raised at one time by constitutional'... I am referring to what my Hon. Friend said about the changes of the constitution.

Hon. Mr. Mbile mentioned that we have been tied down by this constitution. But I believe that the usage of that portion is to give room, or to refuse the men who might in the near future advocate again for the secession of this territory from Federation of Cameroon as is suspected. But the constitution in its terms can from time to time be revised. It has been provided in the constitution. But I have no more to say to the Hon. Members, but the time has come for us to co-operate. The spirit of co-operation is quite alright, and every Hon. Member is going home with such a spirit of sincerity because, judging from the standard of debates from this present sitting of this house, I am not sure that members are very much prepared to co-operate and make a Federation of Cameroons, now to come in a few weeks as a reality. So I feel that while joining together we should have to congratulate the leaders, K.N.D.P. leaders, C.P.N.C. leaders and O.K. Party leaders.

Mr. Speaker, I am now speaking in support of the motion.

The Minister of Social Services (Mr. A.N. Jua): Mr. Speaker, Sir, I rise to say a few words on this motion and in support of it, and in saying so I like to say how very happy we are to note the action of the Opposition in accepting the motion as it is framed. My purpose in rising is to say one or two words to make a comment on the speech which the Hon. Mr. Mbile has made and by this I will try to show the Opposition the stand of K.N.D.P. in the matters raised.

It is a pity to note or to hear that here in this territory there are men who take a delight in blackmailing others. I would like to assure the Hon. Members of the Opposition that we on this side will not and shall not at any time support such a thing. It should be remembered, and this is the way we look on things, where there is no difference of opinion there is no improvement. It was because of the difference of opinion, in the political field, that we separated from Nigeria, that we have a Southern Cameroons House of Assembly. If there had been no difference of opinion, there would never have been any separation. There, in the ordinary course of thing, the difference of opinion is a very important factor.

Difference of opinion should not be regarded as something evil. It should be regarded as a spice. Such a spice adds life to a set-up and every step in our view should be taken or all of us would see to it that there should exist an opposition. The opposition is very, very important as I said before, but we would like to say as I pointed out before that whoever is responsible for this blackmailing it is without our knowledge. It is only unfortunate that at this time when we are building, when every effort has been taken to bring us together that there is somebody who is trying to divide us, such a person or persons in our view is the greatest enemy that the Cameroons can ever have. The Opposition and ourselves have agreed, we have only agreed to disagree, but as pointed out before there is no way anything evil whatsoever. One cannot have a family where all along there is no opposition. There must be opposition either from the husband or from the wife that, in itself does not mean that there is a measure whereby the family will be separated, by no means which a family grows better. By that I mean it is only a means which a family grows better. By that I mean it is only a means by which each member gets to know the feelings of the other and by so doing it is then possible for them to live together. May I only say I would like to emphasize only this point to the opposition that we are not responsible for anything that goes out here, any blackmail and that we consider such men or persons, be there several or individuals, they are the greatest enemies that we have. I may also say to members of the opposition that this country is not K.N.D.P. it is our own country and the responsibility lies squarely on our shoulders on all of us together and to repeat what the Honourable Mr. Mbile quoted from the speech of President Ahidjo, there can be no question of victor or vanquished, all of us are, builders of this Nation. It is a fact that before the plebiscite the opposition framed a policy that was different from our policy; but that did not in any way mean that the opposition meant ill to the people of the Southern Cameroons. If we had lost we would then have been in exactly the same position as you are today. We would have accepted the defeat. I would have gone all out to work for prosperity and peace and order of the

people of the Southern Cameroons and so we warn you who are here today, we no longer talk of victory, we no longer talk of what we are going to do in order to win, but what is facing us today is the task of building, is the tasks of seeing that order reigns, is the task of seeing that prosperity comes to our people, is the task of seeing that our children will enjoy a better future and this is a responsibility which one cannot with a shrug of the shoulder say no. A great man once said in one day, he was calculating, there was an argument between two players, one that he would win and other said that he will not win and that man said when the last caller will come to take count he will not ask you whether you won or lost but how you play. How you played is an important thing. You played your part. We played our part and all of us are aiming at one thing to build a nation. Nothing more... It was not for personal gains. We went out to work for the prosperity of the Nation. We know of the valuable contributions which you made both here in our private meetings, both at Fomuban and Bamenda. They have been very valuable. We know it is not easy to settle differences but you did, you didn't care whether you were called names but you know that your responsibility is that all of us must build a nation. I have only this to say that all of us together should regard whoever is coming in to divide us is the greatest enemy, as a body we should work for the prosperity of the Southern Cameroons and all country as a whole. I should like to impress again I repeat upon the minds of Honourable Members of the Opposition that we are in no way responsible and we should not be held responsible for any letters that fly between Buea and Yaoundé. Whoever does that, I repeat, we regard him as the greatest enemy and Honourable Members I hope you will take this as our own stand and very sincere in this matter.

The Leader of Opposition (Mr. E.M.L. Endeley): I think it would not be fair for this side of the house if could keep mute on all the debate although I am satisfied that from time to time members of my party have made our stand very clear. There are just few points I wish to rope in. I recall the experiences we had when we first left this country to Eastern Region as members of the House of Assembly, it was then the custom that if a member did not find himself reported or recorded in the information Service sheet he made a big paw wow with the stenographers, the reason being that if my constituents found out that I did not make a speech they would think I am not working. It happens that now we are ending an era and beginning a new era, members of this House are falling back to the habit of our early days in the Eastern House of Assembly where their speech is recorded, no matter how short they might be or how flimsy their points might have been. My speech mustn't be regarded in

this light but for the pleasure of being recorded as having spoken on this motion I have made this speech. We are going through very trying times but think it is absolutely necessary that we safeguard important citizens of this territory and keep them free from fear. If men with talent and convictions are going to popular views might themselves be very useful in moulding the destiny of the country, then we are dead, then we should be saying goodbye to democracy and open the gates for fascism. I am sure President Ahidjo doesn't want to be a dictator, a man who would look on prospective friends as potential enemies, but you could make him a dictator if he had to live in fear of everybody from here. I am sure he is a genuine young man, 35 years of age who very much wishes to see people around him who would help him to bear the burden of moulding this new country. I therefore appeal to our colleagues who are anxious to hold prominent offices in the new Government to desist from winning favour by painting others black. The game is probably interesting to begin with but certainly doesn't taste very well when the people are discovered. Yet it has been found out that they did what they did for a purpose. Churchill, the great statesman of Britain, was a powerful man during the war. He helped Britain to win the war at a time when it was thought the Germans would overrun them. How long did he have to win the peace? Immediately after the war he was thrown out by the Labour Government. Was there revolution in Britain because Churchill did not rule Britain after the war? Usually it is not the men who win battles who administer the conquered countries and our friends, for the sake of knowing their party as a victorious party, should not go down into dishonour and be allowed to hold positions for ever more. I think the greatest test that stands before us today immediately is to be able to find men who can sustain the Government here and yet be able to take their place among the majority of our people who would represent Cameroon Republic. It is difficult enough to find men among us now here within our own state, but to be able to duplicate these and sustain the Government here as well as make a name in the Federal Government is not going to be easy. In a big country like Nigeria, the early days of finding men both for the Central Government as well as the Regional Government were extremely trying. It was not easy. And I'm happy to think there are quite a number of us here who saw the difficulties through which Nigeria went before they attained the position in which they are now. Some regions were very rich in men of quality and experience, others were very poor. Although the North was a huge region it had difficulty in finding men to man their Government and I don't think we in the Southern Cameroons are in any better position. I don't see why people who are in a hurry to hold places in both worlds should try and destroy the few men we have in the country. Perhaps these people are counting

their chickens before they are hatched. It will soon be found that these men who are ambitious to be both there and in this missiles and submarines of the Southern Cameroons will soon find it is not so easy to change depths and then they will regret the pains they have gone to. As I say, and I think as my friends Mr. Mbile has so ably pointed out, we demonstrated our ability to work in unity at Foumban because of the atmosphere that the Cameroon Republic created, particularly so the atmosphere of encouragement which came from the President himself. That started right here in Buea when he made his first visit. It happened to have an interview with him, which had given cause to great speculation, but for that interview I wouldn't have gone to the Foumban. It was there the man displayed the magnitude of his statesmanship and he was able to encourage my colleagues to go with me to Foumban and it is now held strongly the part we played there. We convinced the President and his colleagues that provided we could work in the same atmosphere we should not be found wanting and would be able to contribute our own say to the future of the Cameroon people not only on the Federal level but on the State level. And we are prepared to do this whether we are Ministers or ordinary citizens provided an atmosphere of security pervaded in the Territory. Now it is strange but if security is giving way to conspiracy this should start in Southern Cameroons and not in the Cameroon Republic. I think they could turn round and laugh at us and say it is your men who are doing it, we are not responsible. It would be a shame and a shame only.

I also wish before I conclude to take the opportunity to re-emphasis what I said in Foumban because again what I said has been bandied about by this gentleman who plays about great men for position and place, that it was not sincere. I cannot be more sincere than right in the midst of terrorism and that I wanted to reside here in freedom in this country. I repeat, that no matter what position we may hold, any one of us, in the future we may never be able to display in sincerity of our freedom from fear, our doubts to the public and we certainly will never be free from fear as long as terrorists are prevalent in this country. We have a duty to find a solution out of this terrorism. If we like we can surround ourselves with all the guards in the world, with all the detectives in the world, and some of the detectives could be terrorists themselves and therefore we have not found a solution.

I think that we must get into the hearts of these men as has been done elsewhere. It has happened elsewhere, it has happened in Malaya and it has happened in other countries but some solution has been found, why can we ourselves not find a solution, what are the causes of this quarrel-rather than surround ourselves with artificial guards and vacate our home at night and try to sleep elsewhere. How do we continue to fear our own people and yet presume to work for their interests? What my colleagues

have said, of what is happening between here and Yaoundé against us, is fundamentally an encouragement to terrorists, it does not seek to eliminate it because what is being done by the authorities in Yaoundé is being done in desperation. Before the plebiscite it was the other way around, we were being blackmailed because of potential terrorists. These are the very rich men of the country who have sold the territory and we are all black-listed on the opposition side. Advocates came before courts and the names were always there. We lived through that and I am sure we can live through this. Men who have merit and rule with their merits are appreciated they do not blackmail others. It is men of little minds, men of no work of no straw, who lampoon others in order that they might shine because in the presence of those who are better than themselves they feel inferior and go to the extent of killing them, or hiring thugs to kill them. The story of Macbeth and Banquo might be a play by Shakespeare but in real life, from day to day in every part of the world, the support of Banquo will continue to happen. These people have been after blackmail and killing, that is what we can do to this people but we will continue to appeal, we must continue to appeal to this life sector of the Cameroonians who have completely lost their bearings and they can never assist power by killing others. We must continue to appeal to them and to encourage them to take part in the life of new country we are building. Sometimes we are told that it is the soldiers who have made a mistake and shot people in mistakes for terrorists. Sometimes we hear that terrorists made the mistake and the people should not fear the soldiers. When shall we know the truth? We think of running a Government, we have succeeded in bringing about unification on paper, yes, but in our hearts we know that we have not succeeded, the job is only just beginning.

Until we have converted this corner of men who are not in with us, who are not in with President Ahidjo, nor with us here, to come and join either the other side or our own side, we have not succeeded in affecting any unification, because according to what I have been able to hear, their conviction is that terrorism began because they did not get independence, they did not believe that President Ahidjo was working for unification and therefore this frightened some of them into it about. Now, I do not think it is because President Ahidjo is willing that unification has taken place. How has it taken place what is the position? We are remaining outside the community, the community of Cameroonians who are looking forward to unification as a solution of their fears. In the interest of those Cameroonians who are looking forward to unification, that is very reason why I am calling out every one of us, all of us in this House, to address himself to that problem because as long as we leave it unsolved we will be moving ahead and looking behind lest we be followed by terrorists. We

all look for guards until all the guards have gone and there is nothing to protect the common man. But as we have been able to live freely and move freely and disagree freely and disagree freely, our brothers in the Republic have to understand that we are looking forward to the freedom—we must impress them with the freedom—that we have enjoyed. We must not be infected by the fear that has drawn them into our arms. These are the problems which should exercise us and as I have said in Foumban, it is all well and good writing a constitution; we shall find flaws, we shall make it look as smooth and complete as possible and we shall never complete the job. The next generation will start it all over again. As you will find in the American Constitution. You spend months and months sitting over a Federal Constitution but there are still amendments going on, from generation to generation. So even if we criticize this constitution and we even amend the sections of it, we shall never end the job. As long as we have a written constitution the work of a man is limited to his generation and then corrected by the next generation, so let us not quarrel about the constitution, let us quarrel over the spirit with which we shall make this constitution work. We are worried about the spirit, how the spirit is beginning and is causing suspicion on innocent people. Those who may be willing to do something and those who might succeed in eliminating the problem—the greatest problem we have ever had in front of us. We have other problems; we want money to run our country, but the biggest and foremost is the conquest of terrorists. I do not think so far even by using terrorist methods again and seek new methods, or other methods, or additional methods of combating this great social evil in our midst, it is a great abuse to the Cameroons as a State today and perhaps in the future. Mr. Speaker, Sir, as I have said, the emphasis should be laid on persuading everybody to partake in making these experiments work and the fact that we are in a position to make a lot of noise about it but we should not give the impression that we are a most worried or a most unsettled people in the new Federation. Far from it; we know that what may be threatening us today will probably threaten other people in the future and our appeal should be that it should be stamped out right now. Otherwise we will be living in a state of fear, suspicion insecurity and we shall not be able to perform our duties as effectively as we should. We on our part would like this atmosphere which has prevailed on this side of the territory to continue to prevail in the future federal state into which we are entering. If we did that we should earn the gratitude not only of people on this side but of the people on the other side. I am convinced that none of us here on this side will depend on the commendation of any person before our merit or lack of merit is shown. If we continue to live in this territory...(interruption)....

Be suffice it to say that this evil should not be given any encouragement and I am quite satisfied with the assurance which the Honourable Minister of Social Services has given us. We are looking forward to a brighter future where man is brother to man and each one of us can lean a shoulder to keep the wheel moving.

The Attorney-General (Mr. B. G. Smith): Mr. Speaker, Sir, I wish to deal with one or two matters of fact and one or two matters of opinion on the Federal Constitution. With your permission, I wish to refer to the draft Hansard of the Hon. Mr. Motomby -Woleta's speech he made the other day on the same motion. In that speech he said: 'When the minutes or the record of the talks in Bamenda were being produced they were produced in the way Mr. Foncha wanted them to be produced. They were not a proper record of opinions expressed in Bamenda'. The method in which the record there was produced is this: it was produced by a secretariat expressly appointed by the Government party taking part in the Bemenda conference. The record was prepared by the secretary and on most occasions I was asked to glance through it to see whether I agreed, it was correct, so if there is anybody to blame for anything that is wrong in that record, I think it would be I who should bear the blame. So far as I remember when we were at Fouban the Bamenda record was not in any way challenged there. And at this late stage if there is anything wrong in it I hope the members of the Opposition will accept my apologies for the inaccuracies. There was certainly no deliberate attempt by anybody to suppress anything. I can even remember one occasion there on which a prominent person certainly came in, but he was on the Government side, and said he had not been correctly reported, and he was informed that that was what was in the report as recorded and it was not going to be changed and if he did not like it he could raise the matter in the conference itself in order that the correction could go on record. As I say, every attempt was made to secure an impartial record.

Again with your permission if I may quote from the same speech Mr. Motomby-Woleta said-'at Fouban whereas there were about eight or nine chapters for us to grind through, we were able to cover four of the chapters we thought were most pressing. The other chapters on which we thought we needed expert opinion, like judicature and the courts be referred, and brought back to us for blue pencilling. Mr. Speaker, Sir, this was never done, and to my knowledge the next thing we saw was what is being termed the Constitution of the Federal Republic of Cameroon, including those we wanted to give second thought.

Mr. Speaker, Sir, the Constitution of the Federal Republic of Cameroon in no way deals at the present moment with the courts of West Cameroon. The Courts of West Cameroon are dealt with under Article 6 of the

constitutions. One of the items there says-‘Judicature, including rules of procedure and competence of all Courts (excluding native courts of West Cameroon except in relation to appeals there from’). That, at the moment is not a federal matter. It will at a later stage become a federal matter. At the present moment the judicature of West Cameroon and the courts are being included in a draft Constitution for West Cameroon. What has, in fact, gone into that draft, which has been seen by some members of the Opposition, are proposals which have the support of the Bar Association and in no way has the Opposition been by-passed with regard to the structure of the courts of West Cameroon.

It will, of course, be necessary that our proposals for the courts of West Cameroon be considered by the Federal coordinating Committee as provided by the Federal Constitution.

The Hon. Mr. Motomby-Woleta also referred to Article 47 of the Federal Constitution as being unduly cumbersome, that is the article which relates to the revision of the Constitution. I would point out one possible advantage in it with regard to amendment of the Constitution that is, the Constitution can be amended by simple majority all the way through. I would point out that this Federal Constitution there are no entrenched clauses of any kind whatsoever and would say was made for speedy and rapid amendment of the constitution when it is perfectly obvious to everybody that there is a floor. I do not think that there is anything in Article 47 which is likely to delay an obvious amendment to the Constitution and owing to the fact that majority of the members from each State have got to support an amendment there is a fairly good safeguard against anything obnoxious being enacted. Some reference has been made to fundamental rights of the part that they play in second paragraph of the first article of the Federal Constitution. I am not sure whether I understood whether I have taken Mr. Moffor’s point precisely, but fundamental rights as such have not been written into the Federal Constitution. What the second paragraph of the First Article does is to remind the Legislature that on every occasion when they are enacting legislation that fundamental rights are actually written Constitution and any legislation enacted will not be effective insofar as it conflicts with those human rights. As I say, the Federal Constitution does not actually have fundamental rights written in at the moment. There are many countries with written Constitutions which do not have fundamental rights written in, of which I think, France is one of the examples.

The Leader of Opposition (Dr E. M. L. Endeley): France has the fundamental rights entrenched.

The Attorney-General (B. G. Smith); I withdraw that remark, it had not formerly. I think I am right in saying the United State has not, but nevertheless, it has the body of English Common Law behind it. Reference was made to Article 18 as being a useful constitution safeguard, the safeguard of the second reading being ordered by the President of his own Motion or at the request of the Prime Minister of either Federated State. I would point out that that provision applies not only to Federal legislation it applies also to State legislation because Article 45 in respect of the State legislation the President of the Federal Republic may within that period request a second reading of such legislation in the Legislative Assembly or else may enforce Article 14. The point I wanted to make, there is a useful safeguard there. That if a State Legislature, if the Government Party in a State Legislature made use of its majority to force through legislation in the face of valid criticism from the Opposition it would of course, be open to the Opposition to address the President directly and draw his attention to this obnoxious piece of legislation and invite him to exercise his powers and send it back for a second reading. I think that is an important Constitution safeguard which everybody in this House would welcome, that second thoughts are sometimes best.

Mr. N. N. Mbile (Kumba North-West): A point of explanation, Mr. Speaker, with your indulgence I wish to make a small explanation on this speech of the Attorney-General. My colleague, Mr. Motomby-Woleta used the name of Mr. Foncha as symbolic of the K. N. D. P. Government; he was not referring to Mr. Foncha in his personal capacity when he made the point of all decisions at the Bamenda Conference.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Point of order. I think if my Honourable Colleague wants to stand on a point of explanation on that point he should make a new speech.

Mr. N. N. Mbile (Kumba North-West): Mr. Speaker, I rose on a point of explanation, namely, that I was going to explain points which I think require explanation relating to the speech of my colleague to which the Attorney-General has referred and I was proceeding to explain the points. Sir, when my colleague said the reports of the Bamenda Conference appeared in the opinion of Mr. Foncha he had in mind this, that in the Bamenda Conference we decided on 15/15 from each side to represent us in the Provisional National Assembly whereas in the report the sum total our discussion in Bamenda it was written 5/5 at Fouban, this report had come before us in Fouban as I am sure the Attorney-General will remember 15/15 in Bamenda. On the question of Judiciary we agreed

that the Bar Association was one. The problem was how we were going to create a link here and in the Bar Association Delegation as we decided at Foumban. The next thing we saw the final Constitution published in the papers. These are the points which I wish to make to which my colleague referred when he made his criticisms.

The Minister of Works and Transport (Mr. W. N. O. Effiom) Mr. Speaker, Sir, it has not been my intention to speak at all because all along I felt it was mere a matter for the Electorate than those of us enclosed between the four walls of this House but for a point raised and which Sir, I consider a very grave and serious allegation to hear at this initial stage that potential leaders of this sector of the Cameroons are being blackmailed. I think it is something which should not be dismissed by any well meaning person. Sir, I think Honourable Members will understand my appeal on the floor of this House when feelings were still very high just after the Plebiscite. I did appeal that since the people have taken the betting it was incumbent upon us to follow that way and work for their interest and I must confess that I was one of the happiest ones when our delegates to the United Nation after the plebiscite result returned with a sort of united front. the leader of the Opposition in the person of Dr. Endeley retuned first and I rushed to hear what he then said-If Foncha comes he will tell you precisely what I am going to talk to you and that anyone who was interested to hear from here should come up to Buea. I was one of those who rushed up to Buea and I think what views he gave on the field here everyone admired it. Saying Premier Foncha returned and proclaimed that how he wished then that Dr. Endeley was by his side. They could have been speaking with one voice. I think with this followed by the truce sentimental feelings which existed in the minds of party supporters started cooling down and I think it was the general question, what are these men after?

It was the popular saying of public. Well, it went a long way. I think this continued but the action of the Honourable Premier Foncha went to a stage he decided that it was not a matter for the K. N. D. P. to shoulder, that every other person had a part to play in the construction of this new nation. Thus came a time when the Leaders of other political parties as well as the C. P. N. C., which is the official Opposition in this House, were invited to take part in the Constitutional talks. Progress was made when those of us left here at the Foumban talks when Dr. Endeley made his opening speech, in fact it put to shame the cynical persons who existed here with a feeling that all of them would see the Southern Cameroons writhe up and down as the Congolese have bitterly, very bitterly been forced to face. And I think this situation had improved until that stage

when we are looking just a couple of weeks to come for what we have been craving for to come to maturity. The battle scene appears now to have been started afresh and it has set a point worrying in my mind to hear of this very grave allegation. Sir, I should think it a duty to say boldly here in support of what my Hon. Colleague had previously said, the Minister of Social Services, that is our wish to investigate very seriously all such actions because we believe we cannot go to join our brothers of the Eastern Cameroons with traitors among us....(hear, hear)...In fact, Sir, I think all along my Honourable members opposite me will appreciate that when we started negotiating on those talks as far back as 1959 a rumour like this had never filtered into my ears. To be able any of us who have been privileged to travel to Yaoundé, had said Tom, Dick and Harry is just a Judas in Southern Cameroons! Sir, I have been so moved to speak on this point and I think I can assure my Honourable colleagues that it is our very eager intention to investigate. We shall do it with a common front, with an attitude of understanding, else I am afraid, and I should state frankly, the battle ahead would be greater than what we have already tackled. Sir, I think my dreams are almost coming true. When I said here before the Plebiscite that, bit that at the time we focused the Cameroons identity or not, we accepted it at the time. Today the problem has placed itself very frankly and bluntly before us and following what the Honourable Motomby-Woleta said, it is not now a claim at this stage of those who might think themselves as victors or to appoint others as the vanquished of this battle of ours because it is my ardent belief that the battle now has started and except unification is effected by us with a common understanding amongst the leaders I fear what the battle ahead would look like. So, Sir, with that I have just stood up mainly to emphasize this point of the allegation raised, and I can proudly say that on this side of this House I think, young or old, in the field of politics as we said here one of us I should confess has been so mean to play such a foul game, but if there are men, missiles, submarines and the rest, our motives 'Truth shall Prevail'. I am confident that it would not be long before they are brought to this office... (*applause*)...

Thank you, Mr. Speaker.

Mr. Speaker: Honourable Members, the House will now suspend for 15 minutes.

Sitting suspended at 4.30 p.m.

Sitting resumed at 4.50 p.m.

The Minister of Natural Resources (Mr. P. M. Kemcha); Mr. Speaker, Sir, I rise to register my support for this motion. In fact I feel that all that was necessary has been said on the floor of this House in regard to the motion during the course of debates. Honourable Mbile has revealed something to us here and I think it is necessary that I say something about it. In regard to those who have been trying to blackmail others, this should tend one to go out to this people who would like to rule indirectly. I would like to appeal to members of the Opposition to take us serious, to feel that it is not a little matter and they ought to listen, I will appeal to them to what we from this side of the House say; either what has been said by a Minister or by an elected member or leaders of the K. N. D. P. Secondly, I think that man is fighting his own course and not that the K. N. D. P. I note the position at present given by a number of people. The constitution of 13/13, some people tell you, you are finished and in fact the result is that those of us who are in, that is, either one person or party, we suffer. These people do everything humanly possible themselves to be working for the people. Whatever is said in the future by members of the Opposition ...listen to those of the Government in strength ...or whatever he may be, an active politician stands on the platform and says it openly. It has already been pointed out that we are trying to gain position for themselves because now the constitution has been produced for men, not necessarily elected members trying to ruin others to gain position for themselves. Both sides should condemn this and not to spare such a man.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna): Mr. Speaker, Sir, I rise to wind up the debate on this motion. In doing so, Sir, I would like to thank Honourable Members for all their support they have given to this very important motion. I have now come to the understanding that if this motion had not been given a debate which it is so merited, I think members would have left this present sitting with a pleasant air swelling within their breasts and the stand we have taken was rather necessary.

This motion on the Order Paper today is due the people who have had the foresight in giving us this advice to see that it is inserted. Sir, in the course of the debate certain points have been raised and which have been heavily replied to by some of my colleagues. But some which have not been debated I shall endeavour to throw a little light. The question of a national flag, a motto and a Capital for the Federation was raised. Members who attended Bamenda conference made suggestion but because the question of a flag was not a decision which could be taken with a stroke of pen, nor a national motto and capital for the federation, it was thought wise to allow this for the future. As a matter of fact I think Hon.

Members will support the decision taken and the very fact that it was not imperative for members to sacrifice the Federal Constitution, the bringing together of the two sectors of the territory for the failure to design a flag or chose a federal centre or chose a few words for the motto for the territory. Much was mentioned about the human rights and I am happy that every Hon. Member who mentioned or stressed the importance of the Human Rights was the same person who said the constitution should be written in or on the human heart. It was not the volume that mattered, it was not the wide print that should guide us, but the spirit, the way we interpret the principles embodied in the constitution, and I think, Sir, no matter how much emphasis we paid to human rights, not entrenching them in the Constitution, without this goodwill and spirit to get them implemented, everything would be useless. The question of negotiation was another important and my Hon. Colleague Mr. Mbile tried to explain what the Attorney-General thought was improper to have been said by the Hon. Mr. Motomby-Woleta. But for instance, Sir, if we were to stick our guns, 15/15, no more, no less, I do not know how far we would have gone. We went as a group together and talked, and all we brought back was the decision of people willing to give, and not whose points were wholly carried. And I think it was with this spirit that negotiations were so successful, both at Bemenda and at Fouban.

The question of the exodus of expatriates from the Cameroons and re-engagement of pensioners was raised by the Hon. Mr. Ajebe-Sone. I think it was a very good piece of advice, but I want to say that the Government had already appealed to those able pensioners to apply for any job for which they are capable and I would appeal to the Hon. Members that if there are any of such people they should apply to the Public Service Commission.

I want, Mr. Speaker, to associate myself very strongly with the appeal given by the Hon. Dr. Endeley. As a matter of fact we are faced with a formidable problem. We politicians have now to get or formulate a new project for our own ideologies. The question of Federation with Nigeria, for federation and association with the Federal Republic is coming to an end. So the next few days what policies shall guide our political parties—that is the food for thought. Do we want economic stability, prosperity for our posterity—these are the question which would formulate new policies, should be the guiding principles and I am one of those who believe in overcoming evil by doing good.

I do think that the measures to bring back the terrorists from their hiding places are threats, shooting them, bombing them, will be only one solution. My Hon. Colleague said we may be able to get or look for some additional means, better ones; that indeed is the problem for us all, and I think if

people who have been working as Cameroonians now resort into bush there must be a cause. If it is a selfish cause, if it is an ambition which needs to be fulfilled in a constitutional manner, is there any way by which we can help them? I think that he in fact was right when he said that those who are pretending to protect us are terrorists or even worse terrorists because some of those poor chaps suffering under bad weather and hiding in the bush are being sponsored and deceived by the people who are enjoying. Can we get through to those people and appeal to those unfortunate people in the bush? This our job I think that independence and unification all coming to us at once, we should make this appeal to our people and say to that the Cameroons is a small territory, the population is very small and we have not a single soul to be lost.

There is also this question of sending Cameroonians abroad. Some go to communist territories, some are returning well armed intellectually, for good or for bad; well, I think we can channel their knowledge, their talents, their gifts, in a better way for the good of this territory. I believe that some of those chaps on their return if they meet the right people they would get the right start. But if they meet the wrong people who will incite their feelings, I think they will be more dangerous to us all. So, the best measure to deal with the enemy is to allow him to operate with freedom, so that we can know his weakness.

If we suppress them in the way to kill their freedom we shall get nowhere. Mr. Speaker Sir, it has been said by Honourable Members, I am happy to stand here to congratulate ourselves, with your permission Mr. Speaker, I should like to express special congratulation to our Attorney-General and the staff of the Civil Service, our servants who have helped the leaders throughout all these Conferences. It has been a great burden on the amendments, to find the dividing line and so on when we were all in great confusion. It would be unfair during this important debate when we are paying tribute for what has been done and even congratulating ourselves if we fail to put it on record our special thanks to a man who has helped us through this difficult time, Mr. Speaker, Sir, I beg to move.

The Minister of Natural Resources (Mr. P. M. Kemcha): I beg to second

Mr. Speaker: Order, the question is that this Honourable House, taking into consideration the constitution of the future Federal Republic of Cameroon, approves the action of the Leaders of the Southern Cameroons in the negotiations with the Government of the Republic of Cameroon concerning the form of the future Federation and thanks the President and Government of the Republic of Cameroon for the co-operative and brotherly manner in which they have conducted negotiations.

Question put and agreed.

ADJOURNMENT

Motion made and Question Proposed-‘That this House do now adjourn sine die’.

The Minister of Finance, Commerce and Industries (Mr. S. T. Muna):

Sir, in moving this motion on adjournment, I would like to express certain points which I feel have contributed a great deal to make us, to bring us to the stage in which we are. Sir, we are passing from one era to another, from one epoch to a new one and as the day breaks, the day dawns people hardly notice.

This is the last time this House will be sitting under the Colonial rule. Next when we shall meet here we shall be regarded as different citizens. Cameroonians not protected or British Protected persons. Certain changes will take place in this House, Mr. Speaker, little things, The British coat of Arms will no more be standing there that Crown you see will no more be found on the chair, it will be a new regime, and we all shall be proud as independent citizens of African Nation. I think we should note that this does not mean an easy path for us to sail on. Most of us have expressed on this floor that it means hard work. Honesty and careful planning with co-operation. Sir the harvest, they say, is great but the labour is more. In the Cameroons we have much to do indeed but I think all will be easy for us if all hands deck on. We cannot at this moment afford to leave and to be part, all able sons of this territory have a great part to play.

Mr. Speaker, Sir, already during a speech made by the Leader of the Opposition and also the Premier of the Southern Cameroons in response to the special address from the Commissioner, much tribute has been paid to what the British people, Her Majesty’s Government has done for us, what the Commissioner in his personal capacity and as the man, the Head of State had done for us. I think, Sir, it is also timely for us to thank all who have contributed to the progress of this territory be they expatriates or Nigerians, and I think that it is incumbent upon us to turn a new page. If I may recall what has been said a few moments ago blackmailing, there is great danger to ruminate over on these things. I think that independence coming with unification we should let bygones be bygones and if we can take the courage to approach some of the people alleged to have begun this unpleasant move to blackmail others and I think we will be doing unpleasant move to blackmail others and I we will be doing ourselves a good deal rather than to mark the allegation and go about grumbling and even spoiling the air somehow. There is something which control, others

to over-ride us I think we shall be failing in our duty. Mr. Speaker, Sir, I need not be labour the Honourable House but I think we have taken a responsibility, the world looking to us the Cameroons and I believe, and I hope that by the help and will of God we shall not disappoint our people.

The Leader of the Opposition (Dr E. M. L. Endeley): Mr. Speaker, Sir, I beg to second this Motion for Adjournment and it is appropriate that I should do so as Leader of the Opposition in what I regard as the last sitting of the House of Assembly since it opened in 1954. What is past we know, what comes ahead we don't know, let us hope that the practices and usage which members have learned within this humble House will carry them across the river. It has been a very pleasant House, we have passed through three sustained the traditions of Westminster under which we are brought in the Federation of Nigeria where Members of the House of Commons have come across and handled the symbol of their connection with the mother of Parliaments, perhaps it is just a well that this did not happen. But we have at least on symbol which I hope will not be removed from this House like the others. That is the symbols of gift from Her Majesty the Queen which was chosen to be used as our mace in this House of Assembly. People have tended in these days to regard discussions in this House as mere Ceremony and eye-wash. I am sure it was not in that spirit that we asked for a House of Assembly under British traditions which are almost becoming universal; in all democratic countries parliament is supreme, in that is made up to elected representatives of the people who are chosen because of their experience on their quality or their knowledge of their affair of the country to guide the Government, not to rule them but to guide their Government.

This in itself is symbolic of the fact that although the Executive Council more or less governs the country it is the Legislature that guides the Government. When you reach the stage where the Executive spurns the Legislature then you are heading for totalitarianism. I am happy that as the last Opposition in this House we have been strong enough to be able to resist the kicks and the jolts of the Government. If we were just a small Opposition I am sure we would have gone down into anarchy. That is perhaps by the will of God that the Opposition and the Government were equal in strength during the last moments of these changes. I hope that when we have survived these trials we will have something to keep, something also to teach others and that the Opposition is the alternative Government, Once a party forgets that or tries to forget that it is subject to the temptation of holding power by any method, by a stifling of Opposition, clamping of Opposition into prison or completely removing it as has happened in some African countries already. We should also

believe in the principle that no one Government can find an answer to the problems of a country in its life then we must be prepared in all fairness and openness to face the electorate to criticize what measures we have been able to carry out for them. A Government which holds its position by intimidation and subversion and secret Police is not worthy of its name. In the way which we have been brought up it is not the men who form the Government who really rule, it is the men who put them into Government who will rule. This is because during their term of office their mandate is to carry out the wishes of the people or keep the promises which they the electorate, but yet insists on remaining in power, I don't know what they should call themselves. They are not traitors, they are meaner than traitors because once a government has lost its popularity the only thing to do under the conditions under which this House was formed, is to seek a new mandate and not to sit tight. These are things which we have tried to develop in the past five years. Whether they have sunk intuit our minds sufficiently for them to carry them across is my point of doubt but I hope we will be able to carry out something worthwhile carrying, that is, respect for each other, the exchange of views for the sake of the people and the country, and not to use our office to line our pockets or enrich ourselves. If we cannot retain any of these principles, if we cannot even transmit to those with whom we work in the future, then our fears are justified that the British have not accomplished there in the Cameroons.

Finally, Sir, in a fortnight's time we shall be sworn into a new Legislature which is continuation of our present Legislature through the grace of our brothers of the Cameroon Republic. We shall take a fresh oath not to the Government Bench but to the people of Southern Cameroons. I think that both itself should remind Members here of the sacred duty which lies ahead of us because under a republican system it is the people who are supreme and those who go out to serve them must take an oath to serve them selflessly and without fear or favour. I hope this band of men which consist of Government and Opposition will be able to stand the task. Also from the first of October it shall become the duty of this Legislature to project some of their men into the provisional Federal Legislature. But as I say, some of us hold great loyalty and love for humble House. It would be a pity if some well-tried and experienced Legislators will not remain here to keep the flag flying. I live in great fear that all things have attraction for people and the tendency will be for us to crush through the narrow gate and see if we can make new names abroad. But the very existence of those new Members in the Federal Legislature will depend on the strength and stability of this little Legislature. If it collapses behind them then they will like the men who climb up a tree by a ladder and turn round to find that the ladder has fallen and they are hanging in

the air not knowing how to come back. So I am praying Members that we will not let ourselves by all of us crushing to Yaoundé and leaving our old Legislature weakened, completely weakened. I think we should demonstrate the love for this little House which has done a number of things for the country these five or six years by having some of our strongest men remain here. I am sure it can be possible to send good representative ahead while we at the same time maintain our power behind, the pumping power from behind, by having some of our strongest men remaining here by composite mixture. I am sure it can be possible to send good representative ahead while we at the same time maintain our power behind, our pumping power behind. In fact it is better for us to be a weak Federation and strong in our State Legislature. You will observe from the place we came to the regional legislature, the form in Nigeria, they all went back to their States and I do not think the structure of the new Republic Federation into which we are going and if you do not get strong men behind in the Federal structure which is so strong, you will have a Federal House speaking entirely for all the states. These are factors that we should bear in mind as we allow old to go and we embrace the new in front of us.

Mr. Speaker, Sir, on behalf of my colleagues in the Opposition I wish to express it here that it has been very dampening and hard for us at times and we have enjoyed our positions as Ministers and Members of the Opposition in this Legislature. We have enjoyed it because either the ways have tended to govern us or we have had to start arguments to get abreast and survive and we have been able to survive up to unification. As a matter of fact we are...(laughter)... We are looking forward to maintaining this role until the next general elections and I hope we will survive that to show the Government that we are really are...(laughter)...

Rev. J. C. Kangsen (Wum Central): Mr. Speaker, Sir, I rise to speak on the subject already mentioned and that speech is a very delicate one, Sir. It is on the appointment of the next Judge for the Southern Cameroons, or after it is the West Cameroons. Sir, it is clear that for about a fortnight the British officers who have been serving in this territory will be leaving the territory for good and among those leaving will be our present Judge, Justice Sainsbury. Sir, rumours have it that the Executive Council of the Southern Cameroons has named a person to succeed Mr. Justice Sainsbury and that person, sir, we understand, is the former Attorney-General to the Government of the Southern Cameroons, Mr. Harvey Robson. Sir, we would like to raise our points of opposition straight away to the proposed appointment. If there is no suitable Cameroonian, sir, to be appointed as a Judge to the west Cameroons, application could be made abroad. Surely there are Indians, there are Jamaicans and surely there are

other people, there are the British people who could be induced to come here and take appointment in the Judiciary. Mr. Robson served here as the Attorney-General it is quite true, but I am not ashamed, Sir, to say that Mr. Robson aroused for himself prejudices, very strong prejudices, and I am sure that a Judge of any country should clearly, I say clearly, be able to enjoy the confidence of that country. If Mr. Robson was appointed a Judge here I am sure he might be only enjoying 50 percent confidence of the people of the Cameroons.

The Attorney-General (Mr. B. G. Smith) : Point of order, Sir. It is not a topic on which the Honourable Member wished to speak. It was the appointment of the judge not discussing the conduct of a person who cannot answer for himself.

Mr. Speaker: The Honourable Member will confine himself to the subject.

Rev. Kangsen (Wum Central): Thank you Mr. Speaker, Sir, as I have said, if the Government of the Southern Cameroons should wish to appoint a Judge, that it should be properly advertised. The Executive Council cannot just take it upon itself the appointment of the person I have tried to bring to light and Sir, it is not only improper for the Executive Council to have done so, but it also unconstitutional. With your permission Mr. Speaker, Sir, I would like to read from the constitution of the Republic of Cameroon, Article 32 ~'The President of the Federal Republic shall ensure the independence of the Judiciary, and shall appoint to the bench and the legal service of the Federal States. He shall be assisted in his task by the Federal Judicial Council; which shall give him its opinion on all proposed appointments to the bench and shall have over members of the bench the powers of Disciplinary Council; and which shall be regulated as to procedure and otherwise by a Federal Law'. Sir, it will be the President of the Federal Republic of Cameroon to appoint the Judge and I dare say not Mr. Foncha or the Executive Council sitting here and appointing the next Judge. We oppose, Sir, we will not like to see this particular individual have an appointment.

Mr. S. Moffor (Bamenda Central East): I may be failing in my duty if I failed to speak to Hon. Members before we adjourned sine die. I wish through the chair to congratulate the Honourable Members of both sides of the House for the peaceful way the debates have been conducted. A special tribute to Hon. Mbile and my friend Hon. Motomby-Woleta for having buried the hatchet, and having used their great wisdom and experience to build a prosperous and united Cameroon.

The co-operation of all Members is desperately sought after having this House in the effort to check the influx of terrorism in the country—that it is the duty of all of us to educate where possible our brothers of the Eastern Cameroon who were suddenly brought up French Colonial ways to realize that a peaceful, stable, and prosperous government needs the co-operation of both the Opposition and the Government and that is only through that way that we can prove to our people and the world at large that we were brought up politically. We should follow what I said in Switzerland last year that we should follow what is right and not who is right.

The present session of the House has marked a new political era in our life as follows:

1. The appointment of a Cameroonian the only first Cameroon Lawyer as the Speaker of the dependent Southern Cameroons and independent West Cameroon House of Assembly which will soon be inaugurated.
2. The introduction of a supplementary Appropriation Bill 1961/62 by the first Cameroonian minister of Finance.
3. His Honour the Commissioner of the Cameroons' farewell speech, to this House, is commendable. When I compare the speech with the one made by the Ghana's Governor-General and the Togoland High Commissioner respectively during their farewell message to the Countries I had earlier mentioned and those messages are parenthesis.

He said 'the precept of the law are these: to live honestly, to hurt nobody, and to give everyone his due. I am happy that this Government has fulfilled these within the shortest possible time...(laughter-he didn't say that...)

Mr. Speaker: The Hon. Member is no doubt trying to refresh his memory, but I would refer him to Standing Order No 54 sub (1) I would like to draw the attention of the Hon. Member to the relevant portion which I am not going to quote.

Mr. S. Moffor (Bamenda Central): We have achieved what other countries have not done for centuries. During this shortest possible time we have achieved self-government. We have been able to bring about Cameroonians policy; we have got able Cameroonians replacing expatriates who are leaving the country and I have to put this point to Hon. Members that before 30th of this month we might be assembling here again to meet our

friends, our brothers from the Republic of Cameroon. I am looking forward to seeing Hon. Members coming to this House with this present spirit of co-operation to show our brothers that they are Cameroonians as ourselves. I am very happy that the Constitution has provided two autonomous states in the country in the form which was pursued by the U. N. O. and U. K....(*interruption*)...and we, according to the provision of this Constitution of the Federal Republic of Cameroon and Western House of Assembly, in the Republic of Cameroon, at no time to abuse sovereignty or to abuse autonomous power we had within this parliament.

Mr. Speaker, Sir, I beg to remind Hon. Members that the Cameroon people have seen two stages of imperialist dissection in this territory, in my life time, and the first was after the first world war, and the second was the trusteeship stage as a trust territory and I wish Hon. Members God's guidance, God's blessing and wisdom and happiness for our people. I will go out, Sir, and I will mount on an empty box, a soap box, and talk to the people that on the 1st of October, 1961, we are supporting this parliament, and tell the people we are the custodians of the peoples' protection, and I will tell them we have accepted the principle of unification and deplore the attitude of terrorism and I am sure we are going to defend them, because during the plebiscite people said wonderful things were going to happen-nothing after the election and I assure Members that we go out with this new spirit and although we are small-in my native tongue it says 'although a knife is small it should be sharp – both sides. We are going to tell our brothers, that we are small but we are sharp...(*laughter*)... we are going to tell our brothers, that quality is different from quantity...(*laughter*)...

The Minister of Co-operatives and Community Development (Mr. J.M. Bokwe): Mr. Speaker, Sir, I rise to make a point of clarification regarding the accusation which was made against me during the debate on the Labour Code (Amendment) Bill concerning the 'check off' system. When Dr Endeley disputed the point I put forward about having occupied the place of first President of C.D.C. Workers' Union. Sir, I feel that was merely intended to ridicule me. As a matter of fact, ridicules are as anything unpleasant words which have a very bad effect. They give you the pictures before several people that you are mean. That you are worth nothing, that you do not play a useful part and there are sorts of discrimination and under estimation.

I have never in my life for reasons of my own importance sought to be a little man. I have never in my life tried to ridicule people because I know that ridicules have a great evil. Ridicules in many cases have caused wars. Ridicules are themselves not a policy to create co-operation between

people. Here in this Honourable House we are commanded to behave as best as we can for the reasons best known to us concerning the future status of our country. I felt that Dr Endeley, I am not attacking him personally, as matter of fact, has played a great deal of sense of discrediting people in this territory during his politics. As a matter of fact, I do not intend to attack him but I feel that when once a man feels that he is all a God power, is all important, is everything above every other person that is the time he makes mistakes. That is the time he cripples himself and even cripples his leaders...(interruption).....

Mr. Speaker: This is a moment of interruption.

Mr. N.N. Mbile (Kumba North- West): Mr. Speak, sir, I move that the house do now adjourn sine die.

The question having been proposed at five minutes passed five o'clock and the debate having continued for fifty-five minutes, Mr. Speaker adjourned the House without question put, pursuant to the Standing Order.

House Adjourned sine die at five minutes to six o' clock.

Note

The House remains adjourned sine die to this day!

Chapter 9

Constitutions of the Southern Cameroons

The Constitution (Nigeria & the Southern Cameroons) Order in Council 1954

Statutory Instrument 1954 No. 1146

Made on 30th August 1954, laid before Parliament on 3rd September 1954 and came into operation on 1st October 1954.

At the Court at Balmoral, the 30th day of August 1954.

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

CHAPTER I.- INTRODUCTORY

2.- (1) In this Order, unless it is otherwise expressly provided or required by the context-

“the Cameroons” means the Cameroons under United Kingdom Trusteeship, which consists of that part of the territories known as the Cameroons to which the Trusteeship Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946, relates, namely that part thereof that lies to the west of the boundary defined by the Franco-British Declaration of the tenth day of July, 1919, and more exactly defined in the Declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons that was confirmed by an exchange of notes between His Majesty's Government in the United Kingdom and the French Government dated the ninth day of January, 1931; ...

“Legislative House” means the House of Representatives, a Regional Legislative House or the House of Assembly of the Southern Cameroons; ...

“the Legislature of the Southern Cameroons” means the Legislature established by subsection (4) of section 51 of this Order; ...

“Nigeria” means the Colony and the Protectorate together with the Cameroons; ...

“the Southern Cameroons” means the Southern Cameroons established by section 3 of this Order; ...

(4)(d) For the purpose of this Order- (i) the offices of Minister, Temporary Member of the Council of Ministers, Unofficial or Temporary Member of the Executive Council of the Southern Cameroons, Parliamentary Secretary to a Minister, member of the House of Representatives and member of the House of Assembly of the Southern Cameroons shall not be considered to be offices in the public service of the Federation; ...

3.-(1) The Northern Region of Nigeria, the Western Region of Nigeria, the Eastern Region of Nigeria, the Southern Cameroons and the Federal Territory of Lagos shall form a Federation, which shall be styled the Federation of Nigeria;

(2)(d) The Southern Cameroons shall comprise the territory specified in paragraph 4 of the Second Schedule to this Order.

4.-(1)(a) The Governor-General, acting in his discretion, may by Proclamation published in the Official Gazette of the Federation direct that the Southern Cameroons ... shall be divided into areas and that any such area shall be a Division for the purposes of this Order or any regulations made thereunder: Provided that the number of Divisions shall not exceed ... six ...

(2)(c) The Commissioner of the Cameroons may by directions in writing declare that the Southern Cameroons shall be divided into areas for the purposes of any matter to which the executive authority of the Southern Cameroons extends.

CHAPTER II. – THE LEGISLATIVE HOUSES

5.- (1) There shall be, for the Federation, a Legislative House, which shall be styled the House of Representatives.

(5) There shall be, for the Southern Cameroons, a Legislative House, which shall be styled the House of Assembly of the Southern Cameroons.

6.- The members of the House of Representatives shall be- (a) a Speaker [and Deputy Speaker both appointed by the Governor-General and who shall hold their office during Her Majesty’s pleasure] (b) three Ex-officio Members, namely the Chief Secretary of the Federation, the Attorney-General of the Federation and the Financial Secretary of the Federation;

(c) one hundred and eighty-four Representative Members elected in accordance with regulations made under section 8 of this Order, of whom ... six shall be elected in the Southern Cameroons; (d) such Special Members as may be appointed ... and (e) such Temporary Members as may be appointed ...

8.- (6)(a) Regulations made under this section shall provide that each Division of ... the Southern Cameroons shall be represented in the House of Representatives by at least one Representative Member. (b) For the purposes of this subsection a Representative Member shall be held to represent a Division in the House of Representatives if he has been elected thereto either in respect of that Division as a whole or in respect of any part of that Division.

The House of Assembly of the Southern Cameroons

34. – The members of the House of Assembly of the Southern Cameroons shall be-

- (a) the Commissioner of the Cameroons who shall be the President of the House;
- (b) three Ex-officio Members, namely the Deputy Commissioner of the Cameroons, the Legal Secretary of the Southern Cameroons and the Financial and Development Secretary of the Southern Cameroons;
- (c) thirteen Elected Members elected in accordance with regulations made under section 37 of this Order;
- (d) six Native-Authority Members selected in accordance with regulations made under section 35 of this Order;
- (e) such Special Members as may be appointed in accordance with section 36 of this Order; and
- (f) such Temporary Members as may be appointed in accordance with section 40 of this Order...

CHAPTER III. – LEGISLATIVE POWERS AND PROCEDURE

51. –(1) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Representatives, make law for the peace, order and good government of Nigeria (other than Lagos) or any part thereof with respect to any matter that is included in the Exclusive Legislative List or the Concurrent List.

(4) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Assembly of the Southern Cameroons, make laws for the peace, order and good government of the

Southern Cameroons or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

52.-(1) The Legislature of a Region may, by law enacted under this Order, confer upon the Federal Legislature authority to make laws for that Region with respect to any matter that is not included in the Federal Legislative List or the Concurrent Legislative List.

(2) Any such authority may be general or may be conferred for such period or subject to such conditions or restrictions as may be specified in the law by which it is conferred, and it may be revoked at any time by law by the Legislature by which it was conferred, whereupon any law enacted by the Federal Legislature in pursuance of that authority shall have effect as if it were a law enacted by the Legislature of the Region by which that authority was conferred.

(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose reference therein to a Region shall be construed as if they were references to the Southern Cameroons.

53. -(1) The Federal Legislature may, by law enacted under this Order, make provision in relation to any Region or the Southern Cameroons for the implementation in Nigeria of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organizations outside Nigeria with respect to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List. ...

(3) The Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for the implementation in the Southern Cameroons of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organizations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.

54. -(2) The Federal Legislature may, by law enacted under this Order, establish an authority (to be styled the Central Marketing Board) for the export of commodities from Nigeria, and may confer on that authority exclusive power to export any commodity from Nigeria.

(5)(b) Subject to the provisions of this section, the Legislature of the Southern Cameroons may, by law enacted under this Order, establish an authority (to be styled the Southern Cameroons Marketing Board) for the purchase in the Southern Cameroons of commodities for export from Nigeria by the Central Marketing Board, and may confer on that authority

exclusive power to purchase any commodity in the Southern Cameroons for export from Nigeria by the Central Marketing Board.

(6) The Legislature of a Region may, by law enacted under this Order- (a) make provision for the powers and functions of the Marketing Board of that Region and in particular (without prejudice to the generality of the foregoing power) may empower the Board- (i) to acquire any commodity in that Region for export from Nigeria by the Central Marketing Board; (ii) to regulate the prices to be paid for commodities so acquired; (b) make provision for the regulation and prohibition in that Region of dealings with or processing of any commodity that is to be exported from Nigeria by the Central Marketing Board; (c) make provision for the enforcement in that Region of any grades and standards of quality for commodities to be exported from Nigeria by the Central Marketing Board that may have been established by any law enacted by the Federal Legislature.

(7) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

55.- The Federal Legislature or the Legislature of a Region or the Southern Cameroons may, by law enacted under this Order, authorize the making of any grant or loan of money for any purpose whether or not that purpose is one with respect to which that Legislature may otherwise make laws.

56. – The Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for paying the emoluments of the Commissioner of the Southern Cameroons and of any other officer employed in connection with the Government of the Southern Cameroons, notwithstanding that he is an officer in the public service of the Federation.

58.-(1) If any law enacted by the Legislature of a Region or of the Southern Cameroons is inconsistent with any law enacted by the Federal Legislature, then, to the extent of the inconsistency, the law enacted by the Legislature of the Region, or of the Southern Cameroons, as the case may be, if enacted before the law enacted by the Federal Legislature, shall cease to have effect and, if enacted after the law enacted by the Federal Legislature, shall be void.

(2) For the purposes of this section a law enacted by the Federal Legislature that has effect under section 52 of this Order as if it were a law enacted by the Legislature of a Region or of the Southern Cameroons shall be deemed to have been enacted by that Legislature.

Legislative Procedure

...

59.-(3) Subject to the provisions of this Order, the Legislature of the Southern Cameroons shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet that may from time to time be addressed to the Governor-General in that behalf.

60.-(1) Subject to the provisions of this Order and of the Standing Orders of the House, any member of a Legislative House may introduce any Bill, or propose any motion for debate in, or may present any petition to, that House, and the same shall be debated and disposed of according to the Standing Orders of that House.

61.-(3) Except upon the recommendation of the Commissioner of the Cameroons or with the consent of the Commissioner, the House of Assembly of the Southern Cameroons shall not proceed upon any Bill, motion or petition that, in the opinion of the President or other member presiding, would dispose of or charge any public revenue or public funds or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

71.-(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the House of Representatives may make Standing Orders for the regulation and orderly conduct of its own proceedings, and for the passing, instituting and numbering of Bills, and for the presentation thereof to the Governor-General for assent: Provided that no such Orders shall have effect unless they have been approved by the Governor-General, acting in his discretion.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives.

72.-(3) There shall preside at the sittings of the House of Assembly of the Southern Cameroons- (a) the President; or (b) in the absence of the President, such member of the House as the Commissioner of the Cameroons may appoint; or (c) in the absence of the President and of any member so appointed, such member of the House as the House may elect for that purpose.

75.- Save as is otherwise provided in this Order- (a) all questions proposed for decision in a Legislative House shall be determined by a majority of the votes of the members present and voting: Provided that (i) the President or Speaker or other member presiding shall not have an original vote but he may give a casting vote if on any question the votes are equally divided; (ii) ...; (b) if on any question the votes are equally divided and the President or Speaker or other member presiding does not exercise his casting vote, the motion shall be lost.

77.-(1) The Federal Legislature may, by law enacted under this Order, determine and regulate the privileges, immunities and powers of the House of Representatives and the members thereof, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the members thereof.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of the Southern Cameroons.

78.-(1) The official language of ... the Legislative House of the Southern Cameroons shall be English.

80.-(1) (a) Subject to the provisions of this Order, the sessions of the House of Representatives shall be held in such places and shall begin at such time as the Governor-General may, from time to time, by Proclamation published in the Official Gazette of the Federation.

(b) The first session of the House of Representatives shall begin within twelve months after the commencement of this Order; and thereafter sessions of the House shall be held from time to time, but so that a period of twelve months shall not intervene between the last sitting of the House in any one session and the date appointed for its first sitting in the next session, whether or not a dissolution of the House occurs between such sessions.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references in subsection (1) of this section to the Official Gazette of the Federation shall be construed as if they were references to the Official Gazette of the Southern Cameroons.

81.-(1) The Governor-General may, in his discretion, address ... the House of Assembly of the Southern Cameroons at any time that he thinks fit, and may for that purpose require the attendance of members.

82.-(4) The Governor-General, acting in his discretion, may at any time by Proclamation published in the Official Gazette of the Southern Cameroons prorogue or dissolve the House of Assembly of the Southern Cameroons: Provided that unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

CHAPTER IV.- EXECUTIVE POWERS

83.- The executive authority of the Federation shall extend to the execution and maintenance of the constitution of the Federation and to all matters with respect to which the Federal Legislature has for the time being power to make laws.

84.- The use and operational control of the Police shall be directed and exercised by the Governor-General, acting in his discretion, either directly or through such officers or authorities as may be duly authorised by him in that behalf.

86.- The executive authority of the Southern Cameroons shall extend to the execution and maintenance of the constitution of the Southern Cameroons and to all matters with respect to which the Legislature of the Southern Cameroons has for the time being power to make laws.

The Council of Ministers

87.- There shall be a Council of Ministers for the Federation.

88.- The members of the Council of Ministers shall be-

- (a) the Governor-General, who shall be the President of the Council;
- (b) three Ex-Officio members, namely, the Chief Secretary of the Federation, the Attorney-General of the Federation and Financial Secretary of the Federation;
- (c) ten members, who shall be styled Ministers, of whom ... (iv) one shall be appointed by the Governor-General by Instrument under the Public Seal from among the Representative Members of the House of Representatives elected in the Southern Cameroons;

(d) such Temporary Members as may be appointed in accordance with the provisions of section 91 of this Order.

89.-(1) The Council of Ministers shall be the principal instrument of policy for Nigeria in matters to which the executive authority of the Federation extends and shall perform such functions and duties, and exercise such powers, may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, and Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law.

(2) Save as otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, The Governor-General shall- (a) consult with the Council of Ministers ... (b) act in accordance with the advice of the Council ...

The Executive Council of the Southern Cameroons

124.- There shall be an Executive Council for the Southern Cameroons.

125.- Subject to the provisions of this Order, the Executive Council of the Southern Cameroons shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under any Order of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of such Orders and Instructions as aforesaid, by or under any other law.

126.- The members of the Executive Council of the Southern Cameroons shall be-

(a) the Commissioner of the Cameroons, who shall be the President of the Council;

(b) three Ex-Officio Members, namely the Deputy Commissioner of the Cameroons, the Legal Secretary of the Southern Cameroons and the Financial and Development Secretary of the Southern Cameroons;

(c) four Unofficial Members, who shall be appointed by the Governor-General, acting in his discretion, by Instrument under the Public Seal of the Southern Cameroons, from among the members of the House of Assembly of the Southern Cameroons mentioned in paragraphs (c), (d) and (e) of section 34 of this Order; and

(d) such Temporary Members as may be appointed in accordance with the provisions of section 128 of this Order.

127.-An Unofficial Member of the Executive Council of the Southern Cameroons shall hold his seat in the Council during the Governor-General's pleasure: Provided that he shall in any case vacate his seat-

- (a) when after any dissolution of the House of Assembly of the Southern Cameroons he is informed by the Governor-General that the Governor-General is about to reappoint him as an Unofficial Member of the Council or to appoint another person as an Unofficial Member of the Council; or
- (b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House; or
- (c) if he resigns his seat by writing under his hand addressed to the Governor-general; or
- (d) if he absents himself from Nigeria without the written permission of the Commissioner of the Cameroons.

128. (1) If an Unofficial Member of the Executive Council of the Southern Cameroons is incapable of taking part in the proceedings of the Council by reason of a declaration made under section 129 of this Order, the Governor-General, acting in his discretion, may, by Instrument under the Public Seal of the Southern Cameroons, appoint to be a Temporary Member of the Council a person who is a member of the House of Assembly of the Southern Cameroons eligible for appointment as an Unofficial Member of the Council.

(2)(a) The seat in the Executive Council of the Southern Cameroons of a Temporary Member of the Council shall become vacant when the Unofficial Member on account of whose incapacity he has been appointed is, under section 129 of this Order, declared to be able again to discharge his functions or when the seat of that Unofficial Member in the Council becomes vacant.

(b) Subject to the provisions of paragraph (a) of this subsection, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

129.- The Governor-General, acting in his discretion, may, by writing under his hand, declare that an Unofficial Member of the Executive Council of the Southern Cameroons is, by reason of absence or illness, temporarily unable to discharge his functions as a member of the Council, and thereupon that member shall not take part in the proceedings of the Council until he is declared in manner aforesaid to be able again to discharge his said functions.

130.-(1) The Commissioner of the Cameroons shall, so far as is practicable, preside at meetings of the Executive Council of the Southern Cameroons.

(2)(a) In the absence of the Commissioner there shall preside at any meeting of the Council- (i) such member as the Commissioner may appoint; or (ii) in the absence of a member so appointed, the senior Ex-officio Member of the Council present.

(b) For the purposes of this subsection, the Ex-officio Members of the Council shall have seniority in the order in which they are mentioned in section 126 of this Order.

131.-(1) The Executive Council of the Southern Cameroons shall not be summoned except by the authority of the Commissioner of the Cameroons: Provided that the Commissioner shall summon the Council if three or more members of the Council so request in writing.

(b) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

132.-No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

133.- The Executive Council of the Southern Cameroons shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

134.- Any question whether-

(a) any person is a member of the Executive Council of the Southern Cameroons; or

(b) any Unofficial Member of the Council is incapable of taking part in the proceedings of the Council by reason of a declaration made under section 129 of this Order, shall be referred to, and determined by, the Governor-General acting in his discretion.

Administrative Relations between Federation and Regions

135.- The executive authority ... of the Southern Cameroons shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation; but the question whether the executive authority ... of the Southern Cameroons has in any case been exercised in accordance with the provisions of this section shall not be enquired into in any court.

136.- (1) No functions relating to the exercise of the executive authority of the Federation or of the Southern Cameroons shall be conferred upon any officer or authority of a Region without the consent of the Governor of the Region, which consent shall, in relation to the use and operational control of the police, be given by the Governor-General in his discretion.

137.-(1) The Governor-General, acting in his discretion, may give to the Commissioner of the Cameroons such directions with respect to the exercise of the executive authority of the Southern Cameroons as he may decide are desirable.

(2) The Commissioner shall comply with any directions given to him under this section or shall cause them to be complied with.

(3) The question whether any, and if so what, directions have been given under this section shall not be enquired into in any court.

CHAPTER V.- JUDICIAL POWERS

138.-(1) There shall be a Federal Supreme Court for Nigeria.

143.-(1) Subject to the provisions of this section, the Legislature of the Southern Cameroons may, by law enacted under this Order, establish Courts of Justice for the Southern Cameroons, and in particular (without prejudice to the generality of the foregoing power) establish a High Court of Justice for the Southern Cameroons.

(2) The following provisions shall apply to the High Court established for the Southern Cameroons in accordance with subsection (1) of this section-

(a) the court shall be a superior court of record;

(b) those persons who are for the time being the Chief Justice and the other Judges of the High Court established for Lagos under section 142 of this Order shall be the Chief Justice and the other Judges of the High Court established for the Southern Cameroons.

144.- The Federal Supreme Court shall, to the exclusion of any other court in Nigeria, have original jurisdiction-

- (a) in any dispute between the Federation and ... the Southern Cameroons ... or between the Southern Cameroons and a Region, if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends;
- (b) in any matter in which a writ or order of mandamus or prohibition or an injunction is sought against an officer or authority of the Federation as such;
- (c) in any matter arising under any treaty;
- (d) in any matter affecting consular officers or other representatives of countries or of international or similar organizations outside Nigeria;
- (e) in respect of any question as to the interpretation of this Order that is referred to it in pursuance of section 145 of this Order; and
- (f) in any matter with respect to which jurisdiction is conferred upon it in pursuance of section 146 of this Order.

145.- (1)(a) If any question as to the interpretation of this Order arises in any proceedings in any court established for ... the Southern Cameroons ... other than the High Court, the person presiding in that court may apply to the High Court for an order of that High Court referring the question to the Federal Supreme Court: Provided that he shall so apply to the High Court- (i) if any party to the proceedings so requires; or (ii) if the question appears to him to be a substantial question of law as to the validity of a law enacted by the Federal Legislature.

(b) If any application is made in pursuance of this subsection to the High Court established for ... the Southern Cameroons ... that court may, as it sees fit, either make the order or refuse it: Provided that if the High Court is required by any law enacted by the Federal Legislature to refer the question to the Federal Supreme Court of if, in the opinion of the High Court, the question is a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall refer the question to the Federal Supreme Court.

147.-(1) Subject to the provisions of section 148 of this Order, the Federal Supreme Court-

- (a) shall ... have jurisdiction to hear and determine appeals from decisions of the High Court established for ... the Southern Cameroons ... on any question as to the interpretation of the provisions of this Order;
- (b) shall have such jurisdiction to hear and determine appeals from decisions of the High Court established for ... the Southern Cameroons ... given in the original jurisdiction of the High Court as the Federal Legislature may by law enacted under this Order confer upon it;

(C) shall have jurisdiction to hear and determine appeals from decisions of the High Court established for ... the Southern Cameroons given in the appellate jurisdiction of the High Court as may be conferred upon it ...

CHAPTER VI.- FINANCE

...

163.-(1) The Federation shall pay to the Southern Cameroons in respect of each financial year such sum as is declared by the prescribed authority to be equal to the amount (if any) by which the revenues of the Federation for that year that are attributable to the Southern Cameroons exceed the expenditure incurred by the Federation in respect of the Southern Cameroons during that year.

(2) For the purposes of calculating what sum is payable to the Southern Cameroons under subsection (1) of this section in respect of any financial year-

(a) of the revenues of the Federation for that year that are derived from duties levied in respect of the import into Nigeria of commodities other than motor spirit and tobacco, one per cent, shall be deemed to be attributable to the Southern Cameroons; and

(b) the expenditure incurred by the Federation in respect of the Southern Cameroons during that year shall be deemed to include the estimated cost to the Federation of making provision for pensions for officers in the public service of the Federation in relation to their service during that year in respect of the government of the Southern Cameroons.

166.-(1) There shall be paid by the Federation to each Region a sum, referred to as a 'development grant', the amount of which shall be calculated in accordance with the following provisions of this section.

(2) The amount of the development grant that shall be paid to a Region shall be such amount as is declared by the prescribed authority to be equal to the amount of the estimated expenditure under the Development Plan on regional matters that is attributable to that Region reduced by the amount of any such expenditure that is declared by the prescribed authority to have been already incurred at the commencement of this Order.

(3) In this section-

(a) 'Region' includes the Southern Cameroons;

(b) 'expenditure' means expenditure that is not either- (i) recurrent expenditure; (ii) expenditure that has been, or would under the Development Plan fall to be, met out of money provided in pursuance of the Colonial Development and Welfare Acts, 1940 to 1950, as from time to time amended; ...

CHAPTER VII.- THE PUBLIC SERVICES

173.-(1) Power to make appointments to the public service of the Federation (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in that service shall vest in the Governor-General.

(2) (a) Subject to the provisions of paragraph (b) of this subsection, the Governor-General may delegate (in such manner and on such conditions as he may think fit) to the Commissioner of the Cameroons or any officer having authority over a department of government of the Federation any of the powers conferred on the Governor-General by subsection (1) of this section.

(b) The Governor-General shall not- (i) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation; or (ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(3) The provisions of this section shall be subject to any Instructions that may be issued by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such Instructions.

...

Note

The Explanatory Note at the end of this Constitution, intended to indicate the document's general purport reads: "This Order makes provision for a constitution for Nigeria under which Nigeria is divided into three Regions, the Southern Cameroons and the Federal Territory of Lagos, which will together form the Federation of Nigeria. It establishes a Federal Legislature with power to make laws for the Federation in respect to certain matters, and to make laws for Lagos, and also establishes a Legislature for each of the Regions and for the Southern Cameroons, with power to make laws in respect of certain matters."

Until the enactment of this Constitution Order in Council the British had sunk the Southern Cameroons into Nigeria as part of the territories of the Eastern Region of Nigeria, contrary to the status of the Southern Cameroons as part of the Mandated/Trust Territory of the British Cameroons. Under this Order the Southern Cameroons emerged as a distinct unit, though still yoked to Nigeria. The Order is in effect a common

constitution for Nigeria and the Southern Cameroons. Only those provisions specifically dealing with the Southern Cameroons have been reproduced here. I have omitted general provisions dealing with the Federation as a whole (the three Regions, Lagos and the Southern Cameroons) and provisions concerned with the Colony of Lagos, the Northern, Western and Eastern Regions.

The Southern Cameroons (Constitution) Order in Council, 1960

Made 12th September, 1960

Laid before Parliament

16th September, 1960

Coming into Operation

1st October, 1960

ARRANGEMENT OF ORDER

CHAPTER 1—INTRODUCTORY

Section

1. Citation, commencement and revocations
2. Establishment of office of Commissioner
3. Powers and duties of Commissioner
4. Oaths to be taken by Commissioner
5. Discharge of Commissioner's functions during vacancy, etc.
6. Discharge of Commissioner's functions by deputy.

CHAPTER II—LEGISLATIVE POWERS AND PROCEDURE

7. Establishment of House of Assembly.
8. Speaker of House of Assembly
9. Qualifications for elected members of the House of Assembly
10. Disqualifications for elected members of the House of Assembly
11. Tenure of seats of members of House of Assembly
12. Constituencies.
13. Elections
14. Determination of questions respecting members of House of Assembly.
15. Oaths to be taken by members

16. Presiding in House of Assembly
17. Quorum in House
18. Use of English in House of Assembly
19. Voting in House of Assembly
20. Unqualified persons sitting or voting
21. Commissioner and House of Assembly to observe Royal Instructions.
22. Bills and motions affecting public officers, etc.
23. Reserved powers
24. Assent to bills
24. Disallowance of laws
26. Introduction of Bills by Commissioner
27. Power of Commissioner to address House
28. Restrictions with regards to certain financial measures
29. Regulation of procedure in House
30. Sessions of House of Assembly
31. Prorogation and dissolution of House of Assembly
32. Power to make laws

CHAPTER III—EXECUTIVE POWERS

Section

33. Ministers of Government of Southern Cameroons
34. Establishment of Executive Council
35. Summoning Executive Council and quorum
36. Presiding in Executive Council
37. Voting in Executive Council
38. Council may act notwithstanding vacancies
39. Allocation of portfolios to Ministers
40. Exercise of Commissioner's powers
41. Performance of functions of Premier during absence or illness
42. Leave of absence for Ministers, etc
43. Parliamentary Secretaries
44. Oaths to be taken by members of Executive Council
45. Permanent Secretaries
46. Constitution of offices
47. Establishment of Advisory Council on Prerogative of Mercy
48. Prerogative of Mercy
49. Public prosecutions

CHAPTER IV——COURTS

- 50. Establishment of High Court
- 51. Appointment of judge of High Court
- 52. Oaths to be taken by judges of High Court
- 53. Tenure of office of judges of High Court
- 54. Appeals to High Court from subordinates courts
- 55. Appeals to Federal Supreme Court of Nigeria
- 56. Powers, practice and procedure of Federal Supreme Court
- 57. Appeals from Federal Supreme Court of Nigeria to Her Majesty in Council

CHAPTER V——FINANCE

- 58. Establishment of Consolidated Revenue Fund
- 59. Authorization of expenditure from Consolidated Revenue Fund
- 60. Authorization of expenditure in advance of appropriation
- 61. Contingencies Fund
- 62. Special power to charge Consolidated Revenue Fund
- 63. Remuneration of certain officers
- 64. Audit of public accounts
- 65. Public debt

CHAPTER VI——THE PUBLIC SERVICE OF THE SOUTHERN CAMEROONS

- 66. Establishment of Public Service Commission
- 67. Regulations regarding Public Service Commission
- 68. Appointment to offices to public Service
- 69. Public Service Commission to advise Commissioner
- 70. Commission to advise other officers
- 71. Exercise of powers under this Chapter

CHAPTER VII——FUNDAMENTAL RIGHTS

- 72. Deprivation of life
- 73. Inhuman treatment
- 74. Slavery and forced labour
- 75. Deprivation of personal liberty

76. Determination of rights
77. Private and family life
78. Freedom of consciences
79. Freedom of expression
80. Peaceful assembly and association
81. Freedom of movement
82. Freedom from discrimination
83. Derogations from fundamental rights
84. Reference to tribunal in certain cases
85. Compulsory acquisition of property
86. Special jurisdiction of High court in relation to this chapter
87. Interpretation

CHAPTER VIII—MISCELLANEOUS

88. Police
89. House of Chiefs
90. Resignations
91. Re-appointments, etc
92. Existing laws
93. Existing offices, court and authorities
94. Pending legal proceedings
95. Interpretation

THE FIRST SCHEDULE

ORDER IN COURT REVOKED BY THIS ORDER

THE SECOND SCHEDULE

OATH OR AFFIRMATION FOR THE DUE

EXECUTION OF THE

OFFICE OF COMMISSIONER

At the court at Balmoral, the 12th day of September, 1960

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890 (a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

CHAPTER I—INTRODUCTORY

Citation, commencement and revocation

1.(1) This Order may be cited as the Southern Cameroons (Constitution) Order in Council, 1960.

(2) This Order shall come into operation on the first day of October 1960: Provided that whereby or under this Order the Commissioner has power to make any appointment, to make any order or to do any other thing for the purposes of this Order that power may be exercised by the Commissioner of the Cameroons at any time after the sixteenth day of September 1960, to such extent as may, in his opinion, be necessary or expedient to enable the constitution established by this Order to function as from the first day of October, 1960.

(3) The Orders in Council specified in the first schedule to this Order are revoked in so far as they apply to the Southern Cameroons.

(4) Section 3 and 4 of the Nigerian (Appeals to Privy Council) Order in Council, 1955 (b), are revoked in so far as they apply to the Southern Cameroons.

Establishment of office of Commissioner

2. There shall be a Commissioner for the Southern Cameroons, who shall be appointed by Her Majesty by Commission under Her Majesty's Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

Powers and duties of Commissioner

3. The Commissioner shall have such powers and duties as are conferred upon him by or under this Order or any other law and such other powers and duties as her Majesty may from time to time be pleased to assign to him and subject to the provisions of this Order and any other law by which any such powers or duties were conferred, shall do or execute all things that belong to his office (including the exercise of any powers and the performance of any duties with respect to which he is empowered by this Order to act in his discretion) according to such instructions, if any, as her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Commissioner has in any matter complied with any such instructions shall not be enquired into by any court.

Oaths to be taken by Commissioner

4. A person appointed to hold the office of Commissioner shall, before entering upon the duties of that office, take and subscribe the oath of

allegiance and an oath for the due execution of his office in the form set out in the Second Schedule to this Order.

Discharge of Commissioner's functions during vacancy, etc

5. (1) Whenever the office of Commissioner is vacant, or the Commissioner is absent from the Southern Cameroons or is from any other cause prevented from or incapable of discharging the functions of this office, those functions shall be performed by such person as Her Majesty may appoint or, if there is no person so appointed and able to act, by the Deputy Commissioner of the Southern Cameroons.

(2) Before any person enters upon the performance of the functions of the office of the Commissioner under this section, he shall take and subscribe the oaths directed by section 4 of this Order to be taken by a person appointed to the office of Commissioner.

(3) For the purpose of this section——

(a) the Commissioner shall not be regarded as absent from the Southern Cameroons during his passage from one part of the Southern Cameroons to another or as prevented from discharging the functions of his office by reasons that he is so passing; and

(b) the Commissioner shall not be regarded as absent from Southern Cameroons or as prevented from or incapable of discharging the functions of his office at any time when an officer is discharging those functions under section 6 of this Order.

Discharge of Commissioner's functions by deputy

6. (1) The Commissioner, acting in his discretion, may by instrument under the Public Seal of the Southern Cameroons authorize any officer in the Public Service to discharge for and on behalf of the Commissioner on such occasions and subject to such exceptions and conditions as may be specified in that instrument such of the functions of the office of Commissioner as may be specified in that Instrument.

(2) The powers and authority of the Commissioner shall not be affected by any authority given to any officer in the public service under this section otherwise than as Her Majesty may at any time think proper to direct and that officer shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of the Commissioner as the Commissioner may from time to time address to him for his guidance.

(3) Any authority given under this section may at anytime be varied or revoked by Her Majesty by instructions given through a Secretary of State or by the Commissioner, acting in his discretion, by Instruction under the Public Seal.

CHAPTER II—LEGISLATIVE POWERS AND PROCEDURE

Establishment of House of Assembly

7. (1) There shall be a House of Assembly for the Southern Cameroons.
- (2) Subject to the provisions of subsection (6) of this section, the members of the House of Assembly shall be——
- (a) the Deputy Commissioner of the Southern Cameroons, the Attorney-General of the Southern Cameroons and the Financial Secretary of the Southern Cameroons, who shall be *ex-officio* members of the House:
- (b) twenty-six Elected Members:
- (c) such Special Members as may be appointed in accordance with subsection (3) of this section, and
- (d) such temporary members as may be appointed with accordance with subsection (5) of this section
- (3) The Commissioner acting in his discretion may by Instrument under the Public Seal appoint not more than two persons to be special members of the House of Assembly to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House.
- (4) The Commissioner, acting in his discretion may by Instrument under the Public Seal declare that a special member of the House Assembly is, by reason of absence or illness, temporarily unable to discharge his function as a member and thereupon that member shall not take part in the proceedings of the House until he is declared, in manner aforesaid, to be able again to discharge his said function.
- (5) The Commissioner acting in his discretion, may by Instrument under the Public Seal appoint a person to be a temporary member of the House of Assembly in place of a special member in respect of whom a declaration has been made under subsection (4) of this section and the seat in the House of such temporary member shall become vacant when the special member on account of whose incapacity he has been appointed is under subsection (4) of this Order declared to be able again to discharge his function or when the seat in the House of that special member becomes vacant.
- (6) If it is provided by any instructions given by Her Majesty to the Commissioner through a Secretary of State that any of the officers specified in paragraph (a) of subsection (2) of this section shall no longer be an *ex-officio* member of the House of Assembly, any such officer shall cease to be an *ex-officio* member of the House.

Speaker of the House of Assembly

- 8.(1) The Commissioner, after consultation with the Premier, may by Instrument under the Public Seal appoint to be Speaker of the House of Assembly——

- (a) a member of the House; or
- (b) a person who is not a member of the House.
- (2) the Speaker of the House of Assembly shall hold office during the pleasure of the Commissioner, acting after consultation with the Premier: Provided that his office shall in any case become vacant-
 - (a) at such time as may be provided by the Instrument by which he is appointed; or
 - (b) in the case of a person appointed Speaker from among the member of the House, if -
 - (i) he ceases to be a member of the House for any reason other than dissolution of the House;
 - (ii) he becomes a Minister of the Government of Southern Cameroons or a Parliamentary Secretary to such a Minister; or
 - (iii) after any dissolution of the House, he is informed by the Commissioner that another person is about to be appointed as Speaker.
- (3) A person appointed Speaker of the House of Assembly otherwise from among the members of the House shall be deemed to be a member of the House.

Qualifications for elected membership of House of Assembly

- 9.** Subject to the provision of section 10 of this Order, a person shall be qualified to be elected as an Elected Member of the House of Assembly if-
- (a) he is a British subject or a British protected person of the age of twenty-one years or more; and
 - (b) he was born in the Southern Cameroons or his father was born in the Southern Cameroons or he has resided in the Southern Cameroons for a continuous period of at least one year immediately before the date of election.

Disqualifications for elected membership of House of Assembly

- 10.** (1) No person shall be qualified to be elected as an Elected Member of the House of Assembly-
- (a) if he is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to any foreign power or state; or
 - (b) if under any law in force in the Southern Cameroons he is adjudged to be a lunatic or otherwise declared to be of unsound mind; or
 - (c) if he is under a sentence of death imposed on him by a court of law in any part of the Commonwealth or a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;

(d) if he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth; or

(e) save as otherwise provided by any regulations made by the Commissioner, if he is a member of the public service, a member of the armed forces of the Crown or the holder of any other office of emolument under the Crown.

(2) The Commissioner may by regulation provide that a person shall not be qualified for election to the House of Assembly for such period (not exceeding five years) as may be prescribed if he is convicted by any court of law in the Southern Cameroons of such offences connected with the election of members of the House of Assembly as may be prescribed.

(3) The Commissioner may by regulation provide that a person who is disqualified under paragraph (c) of subsection (1) of this section by reason of his being under a sentence of imprisonment exceeding six months for any such offence (being an offence that appears to the Commissioner to involve dishonesty) as may be prescribed or by reason of his being under sentences of imprisonment that include such a sentence for any such offence shall not be qualified for election to the House of Assembly for such period from the date on which he cease to be disqualified under that paragraph (not exceeding five years) as may be prescribed.

(4) The Commissioner may by regulation provide that a person who is the holder of any office the functions of which involve responsibility for, or in connection with, the conduct of any election to the House of Assembly or the compilation of any register of voters for the purposes of such an election shall not be qualified for election to that House.

(5) The Commissioner may, in order to permit any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt to appeal against the decision in accordance with any law in force in the Southern Cameroons or in any other part of the Commonwealth, as the case may be, by regulation provide that, subject to such conditions as may be prescribed, the decision shall not have effect for the purposes of subsection (1) of this section until such time as may be prescribed.

(6) For the purposes of paragraph (c) of subsection (1) of this section two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months but if any one of those sentences exceeds that term they shall be regarded as one sentence.

(7) For the purposes of paragraph (e) of subsection (1) of this section-
(a) a person shall not be regarded as holding an office of emolument under the Crown by reason only that he is in receipt of a pension or other like benefit in respect of service in an office under the Crown; and

(b) the office of the Minister of Government of the Southern Cameroons, a Parliamentary Secretary to such a Minister, a member of the House of Chiefs or a member of any such body corporate as is referred to in the proviso to subsection (10) of this section shall not be regarded as an office of emolument under the Crown.

(8) Save as otherwise provided by any regulations made by the Commissioner, a person shall not be regarded as disqualified for election as a member of the House of Assembly under paragraph (e) of subsection (1) of this section by reason only that he holds office as a member of a statutory corporation.

(9) If any person who holds the office of a member of any statutory corporation is elected as a member of the House of Assembly he shall, unless it is otherwise provided by any regulations made by the Commissioner, thereupon cease to hold office as a member of that corporation.

(10) In this section “statutory corporation” means anybody corporate established directly by any law in force in the Southern Cameroons: Provided that it does not include any body corporate established by the Native Authority Ordinance (a), as amended, or by any law replacing that Ordinance.

Tenure of seats of members of House of Assembly

11. – (1) The seat in the House of Assembly of any elected Member of that House shall become vacant-

(a) if he becomes a member of the House of Chiefs of the Southern Cameroons;

(b) if any circumstances arise that, if he were not an Elected Member of the House, would cause him to be disqualified for election as such under subsection (1) or (2) of section 10 of this Order;

(c) save as otherwise provided by any regulations made by the Commissioner, if he becomes a member of a statutory corporation;

(d) if he is absent from two consecutive meetings of the House and the Speaker does not excuse his absence within one month after the end of the second meeting; or

(e) if he ceases to be a British subject or ceases to be a British protected person without becoming a British subject.

(2) The Commissioner may, in order to permit any member of the House of Assembly who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt to appeal against the decision in accordance with any law in

force in the Southern Cameroons or in any other part of the Commonwealth, as the case may be, by regulation provide that, subject to such conditions as may be prescribed, the decision shall not have effect for the purposes of subsection (1) of this until such time as may be prescribed.

(3) A Special Member or a temporary member of the House of Assembly shall hold his seat in the House during the pleasure of the Commissioner, acting in his discretion.

(4) In this section “statutory corporation” has the meaning assigned to it for the purposes of section 10 of this Order.

Constituencies

12. The Southern Cameroons shall be divided into twenty-six constituencies in such manner as the Commissioner, acting in his discretion, may by Proclamation published in the Official Gazette prescribed.

Elections

13. Every constituency shall return to the House of Assembly one Elected Member who shall be directly elected in such manner as the Commissioner may by regulation prescribed.

Determination of questions respecting membership of House of Assembly

14. – (1) The High Court shall have original jurisdiction to hear and determine any question whether-

(a) any person has been validly elected as an Elected Member of the House of Assembly; or

(b) the seat in the House of Assembly of an Elected Member has become vacant.

(2) Any question whether-

(a) any person has become a member (other than an Elected Member) of the House of Assembly; or

(b) the seat in the House of Assembly of any member (other than an Elected Member) of the House of Assembly has become vacant, shall be referred to, and determined by, the Commissioner, acting in his discretion.

(3) The Commissioner may by regulation make provision with respect to-

(a) the persons who may apply to the High Court for the determination of any of any question under subsection (1) of this section;

(b) the circumstances and manner in which, and conditions upon which, any such application may be made; and

(c) the powers, practice and procedure of the High Court in relation to any such application.

Oaths to be taken by members

15. – (1) Every member of the House of Assembly shall, before taking his seat in that House, take and subscribe before the House the oath of allegiance

(2) Any person appointed to the office of Speaker of the House of Assembly who is not a member of that House shall, before entering upon the duties of his office, take and subscribe the oath of allegiance before the House of Assembly.

Presiding in the House

16. There shall preside at any sitting of the House of Assembly-

(a) the Speaker; or

(b) in the absence of the Speaker, such person as the Commissioner may appoint; or

(c) in the absence of the Speaker and a person so appointed, such member of the House as the House may elect for that purpose.

Quorum in House of Assembly

17. If objection is taken by any member of the House of Assembly present that there are present in that House (besides the person presiding) fewer than one-quarter of all the members of that House and, after such interval as may be prescribed in the rules of procedure of the House, the person presiding ascertains that the number of members present is still less than one-quarter of all the members of the House, he shall thereupon adjourn the House.

House of English in House of Assembly, Voting in House of Assembly

18. The business of the House of Assembly shall be conducted in English.

Voting in House of Assembly

19. – (1) Any question proposed for decision in the House of Assembly shall be determined by a majority of the members present and voting; and the person presiding shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in other any case.

(2) The rules of procedure of the House of Assembly may provide that the vote of a member upon a question in which he has a direct pecuniary interest shall be disallowed.

Unqualified persons sitting or voting

20. Any person who sits or votes in the House of Assembly knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he sits or votes in that House, which shall be recoverable by action in the High Court at the suit of the Attorney-General of the Southern Cameroons.

Commissioner and House of Assembly to observe Royal Instructions

21. Subject to the provisions of this Order, the Commissioner and the House of Assembly shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any instructions given by Her Majesty to the Commissioner through a Secretary of State.

Bills and motions affecting public officers, etc

22. – (1) In this section “reserved bill or motion” means any bill or motion that would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives.

(2) It shall be the duty of the Speaker or other person presiding in the House of Assembly, or in any committee thereof, to consider whether any bill or motion before the House or the Committee, as the case may be, is a reserved bill or motion, and if he is of opinion that it is a reserved bill or motion he shall forthwith so inform the House and the Commissioner and no further proceeding shall, save with the consent of the Commissioner, be taken upon the bill or motion during the period commencing on the day on which the House is informed or the day on which the Commissioner is informed, whichever is the earlier, and ending two days after the day on which the Commissioner is informed.

(3) The Commissioner may, with respect to any bill or motion that is before the House of Assembly, or any committee thereof, at any time given notice to the Speaker or other person presiding in the House or the committee, as the case may be, that the bill or motion is, in the opinion of the Commissioner, a reserved bill or motion, and when such notice has been given, no further proceedings shall, save with the consent of the Commissioner, be taken upon the bill or motion.

(4) Where a bill or motion, other than a motion for the amendment of a bill, appears to the Commissioner to be a bill or motion that would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, then—

(a) in the case of a bill he shall, when the bill is presented for his assent, reserve the bill for the signification of Her Majesty’s pleasure;

(b) in the case of a motion, he may, within a period of seven days from the date on which it was carried, certify by writing under his hand that he considers that any alteration that has been or would be effected by such motion is one that affects, or would so affect, any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially and in such case the motion shall not have effect unless and until it is approved by a Secretary of State.

- (5) Any such notice as is referred to in subsection (3) of this section may be given by the Commissioner in such manner as he may think fit.
- (6) The powers conferred by the foregoing provisions of this section on the Commissioner shall be exercised by him in his discretion.
- (7) The Commissioner shall not withhold consent to the taking of further proceedings upon any bill or motion in respect of which notice has been given in accordance with subsection (3) of this section if, in his opinion, any alteration that would be effected by such bill or motion would not affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially.
- (8) The provisions of a bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially for the purpose of this section.
- (9) Nothing in this section shall be construed so as to derogate from the powers the House of Assembly conferred by this Order to debate or dispose of any bill or motion relating to the creation of any new office.
- (10) In this section, “public office” and “public officer” men respectively any office of emolument in the public service of the Southern Cameroons and the holder of such an office.

Reserved powers

23. — (1) If the Commissioner considers that it is expedient in the interest of the public order, public faith or good government (which expression shall, without prejudice to their generality, include the responsibility of the Southern Cameroons as a territory within the Commonwealth all matters patterning to the creation or abolition of any public office or to the salary or other conditions of service of any public officer) that any bill introduced, or any motion proposed, in the House of Assembly shall have effect then, if the House fail to pass such bill or to carry such motion within such time and in such form as the Commissioner thinks reasonable and expedient, the Commissioner may, at anytime that he thinks and not withstanding any previous of this Order or of any standing Order of the House, declare that such bill or motion shall have effect as if it had been passed or carried by that House either in the form in which it was so introduced or proposed with such amendments as the Commissioner thinks fit that have been moved or proposed in that House including any committee thereof ; and the bill or the motion shall be deemed there upon to have been so passed or carried, and provisions of this Order, and in particular the provisions relating to assent to bills and disallowance of laws, shall have effect accordingly.

- (2) The Commissioner shall forthwith to secretary of State every case in which he makes any declaration under this section and reasons therefore.
- (3) If any member of the House of Assembly objects to any declaration under this section he may, within seven days of the making thereof, submits to the Commissioner a statement in writing of his reasons for so objecting and a copy such statements shall, if furnished by such member, be forwarded by the Commissioner as seen as practicable to a secretary of State.
- (4) Any declaration make under this section other than a declaration relating to a bill may be revoked by secretary of State and the Commissioner shall cause notice of such revocation to be publish in the *official Gazette*; and the date of such publication, any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of subsection (2) of section 38 of the interpretation Act, 1889 (a), shall apply to such revocation as they apply to the repeal of an Act of Parliament.
- (5) The powers conferred on the Commissioner by this section shall be exercise by him in this discretion.

Assent to Bills

- 24.** (1) A bill passed by the House of Assembly shall not become law unless either the Commissioner has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent or Her Majesty has given her assent thereto through a secretary of State.
- (2) When a bill has been passed by the House of Assembly it shall be presented to the Commissioner for assent and there upon the Commissioner shall, acting in his discretion, declare that he assents or refused to assent thereto or that he reserved the bill for the signification of Her Majesty pleasure.
- (3) A law assented to by the Commissioner in pursuance of subsection (2) of this section shall come into operation on the date of its publication in the *Official Gazette* or, if is provided either in such law or in some other law that it shall come into operation on some other date, on that date.
- (4) A bill reserved for the signification of Her Majesty pleasure in pursuance of subsection (2) of this section shall become law as soon as Her Majesty has given her assent thereto through a secretary of State and Commissioner has signified such assent by proclamation published in the *official Gazette*; and every such law shall come into operation on the date of such proclamation or, if it is provided in such law or in some other law that it shall come into operation on some other date, on that date.

Disallowance of laws

25. (1) Any law made by the Commissioner with the advice and consent of the House of Assembly to which the Commissioner has given his assent or any law made by the Commissioner by proclamation may be disallowed by Her Majesty through a secretary of State.

(2) Whenever any law has been disallowed by Her Majesty under this section, the Commissioner shall cause notice of such disallowance to be published in the *official Gazette*.

(3) (a) Every law disallowed under this section shall cease to have effect as soon as notice of such disallowance is published as aforesaid and there upon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if that law had not been made.

(b) Subject as aforesaid, the provisions of subsection (2) of section 38 of the interpretation Act, 1889, shall apply to such disallowance as they applied to the repeal of an Act of Parliament.

Introduction of Bills by message of Commissioner

26. (1) The Commissioner, acting in his discretion, may —

(a) send by message to the Speaker of the House Assembly a draft of any bill or motion that it appears to the Commissioner shall be introduced or moved not later than a date specified in such message.

(2) If a request of the Commissioner made to the Speaker of the House of Assembly in accordance with paragraph (b) of subsection (1) of this section is not complied with, the bill or motion to which the message relates shall be deemed for all purposes to have been introduced or moved in that House on the date specified in the message.

Power of Commissioner to address House

27. The Commissioner, acting in his discretion, may address the House of Assembly at any time that he thinks fit and may for that purpose require the attendance of members.

Restrictions with regard to certain financial measures

28. Except upon the recommendation of the Commissioner signified by a number of the Executive Council, the House of Assembly shall not—

(a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provisions for any of the following purposes—

(i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;

(ii) for the imposition of any charge upon the Consolidated Revenue Fund or any other public fund of the Southern Cameroons or the alteration of any such charge otherwise than by reduction;

(iii) for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the Southern Cameroons of any moneys not charge thereon or any increase in the amount of such a payment, issue or withdrawal; or

(iv) for the composition or remission of any debt due to the Southern Cameroons;

(b) proceed upon any motion (including any amendment to motion) the effect of which, in the opinion of the person presiding, is that provisions should be made for any of those purposes; or

(c) received any petition that, in the opinion of the person presiding, requests the provisions should be made for any of those purposes.

Regulation of procedure in House

29. (1) Subject to the provisions of this Order and of any instruction given by Her Majesty to the Commissioner through a Secretary of State, the House of Assembly may by Order provide for the regulation and orderly conduct of its own proceeding, for the passing, instituting a numbering of bills and for the presentation thereof to the Commissioner for assent;

Provided that no such orders shall have effect unless they have been approved by the Commissioner, acting in his discretion.

(2) The House of Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after dissolution) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

Sessions of House of Assembly

30. Each session of the House of Assembly shall be held at such place within the Southern Cameroons and shall begin at such time (not being later than twelve months from the end of the preceding session if the House of Assembly has been prorogued or three months from the end of that session if the House of Assembly has been dissolved) as the Commissioner shall appoint.

Prorogation and dissolution of House of Assembly

31. (1) The Commissioner may at any time by proclamation published in the *official Gazette* or prorogue or dissolve the House of Assembly.

(2) The House of Assembly, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

Powers to make laws

32. (1) The Commissioner, with the advice and consent of the House of Assembly, may make laws for the peace, Order and good government of the Southern Cameroons with respect to any matter other than a matter with respect to which the Commissioner has power to make laws by virtue of paragraph (a) of subsection (2) of this section.

(2) The Commissioner, acting in his discretion, may by proclamation publish in the *official Gazette* make laws for the peace, order and good government of Southern Cameroons with respect to—

(a) any matter with respect to which the Legislature of the Federation of Nigeria had power immediately before the commencement of this Order to make such laws not being a matter with respect to which the Legislature of the Southern Cameroons also had power immediately before the commencement of this Order to make such laws; and

(b) any other matter, for the purpose of implementing of the Southern Cameroons any treaty, convention or agreement between Her Majesty's Government in the United Kingdom and the Government of any other country or any arrangement with or decision of any international organization of which Her Majesty's Government in the United Kingdom is a member, including (without prejudice to the generality of foregoing) any arrangement for the purpose of facilitating the administration of Southern Cameroons after the commencement of this Order made between the Governor General of the Federation of Nigeria and the Commissioner of the Cameroons before the commencement of this Order or between Her Majesty Government in the United Kingdom and Her Majesty government of the Federation of Nigeria after the commencement of this Order.

(3) If any law made under subsection (1) of this section is inconsistent with any law made under subsection (2) of this section or any regulation made by the Commissioner under this order, the law may under subsection (2) or the regulation, as the case may be, shall prevail and the law made under subsection (1) shall, to the extent of the inconsistency, be void.

CHAPTER III—EXECUTIVE POWERS

Ministers of Government of Southern Cameroons

33. (1) There shall be a Premier of the Southern Cameroons, who shall be appointed by the Commissioner, acting in his discretion.

(2) Whenever the Commissioner has occasion to appoint a Premier he shall appoint a member of the House of Assembly who appears to him likely to command the support of the majority of the members of the House.

(3) There shall be, in addition to the office of the Premier, not less than five nor more than seven other Ministers of the Government of the Southern Cameroons appointed from among the members of the House of Assembly.

(4) Appointments to the office of Minister of the government of Southern Cameroons other than the office of the Premier shall be made by the Commissioner, acting in accordance with the advice of the Premier.

(5) The office of the Premier shall become vacant——

(a) when, after any dissolution of the House of Assembly, the Premier is informed by the Commissioner that the Commissioner is about to re-appoint him as Premier or to appoint another person as Premier;

(b) if he ceases to be a member of the House of Assembly otherwise than by reason of a dissolution of that House; or

(c) if he absents himself from the Southern Cameroons without written permission given by the Commissioner, acting in his discretion.

(6) The office of a Minister of the Government of the Southern Cameroons other than the Premier shall become vacant if he ceases to be a member of the House of Assembly otherwise than by reason of dissolution of the House or if the office of the Premier becomes vacant.

(7) Subject to the provisions of subsection (5) and (6) of this section, the Ministers of the Government of the Southern Cameroons shall hold office during the pleasure of the Commissioner, acting in his discretion: Provided that-

(a) the Commissioner shall not remove the Premier from office unless it appears to him that the Premier no longer commands the support of a majority of the members of the House of Assembly; and

(b) the Commissioner shall not remove a Minister other than the Premier from office except in accordance with the advice of the Premier.

Establishment of Executive Council

34. – (1) There shall be an Executive Council for the Southern Cameroons.

(2) Subject to the provisions of subsection (3) of this section, the members of the Executive Council shall be-

(a) the Deputy Commissioner of the Southern Cameroons, the Attorney-General of the Southern Cameroons and the Financial Secretary of the Southern Cameroons; and

(b) the Ministers of Government of the Southern Cameroons.

(3) If it is provided by any instructions given by Her Majesty to the Commissioner through a Secretary of State that any of the officers specified in paragraph (a) of subsection (2) of this section shall no longer be a member of the Executive Council, any such officer shall cease to be a member of the Council.

Summoning Executive Council and Quorum

35. – (1) The Executive Council shall not be summoned except by the authority of the Commissioner, acting in his discretion:

Provided that the Commissioner shall summon the Council if the Premier requests him in writing to do so.

(2) No business shall be transacted in the Executive Council if objection is taken by any member present that, in addition to any member presiding, there are present less than three members.

Presiding in Executive Council

36. – (1) The Commissioner may, if he shall think fit, preside at meetings of the Executive Council.

(2) In the absence of the Commissioner, there shall preside at any meeting of the Council such member of the Council as the Commissioner, acting in his discretion, may designate.

Voting in Executive Council

37. – (1) Where any matter is dependent on the decision of the Executive Council a decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

(2) The Commissioner may, when presiding at the Executive Council, give a casting vote if on any question the votes of the members are equally divided but shall not have an original vote.

(3) A member of the Executive Council shall have an original vote in the Council and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

Council may act notwithstanding vacancies

38. The Executive Council may act notwithstanding any vacancy among the members thereof or the absence of any member.

Allocation of portfolios to Ministers

39. – (1) The Commissioner, acting in his discretion, may assign to any member of the Executive Council responsibility for any business of the Government of Southern Cameroons including the administration of any department of government.

(2) Responsibility for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Minister of the Government of the Southern Cameroons but shall vest in the Attorney-General of the Southern Cameroons:

Provided that the Commissioner, acting in his discretion, may authorize a Minister to submit questions relating to such matters to the Executive Council or to conduct government business relating to such matters in the House of Assembly.

Exercise of Commissioner's powers

40. – (1) Subject to any instructions given by Her Majesty to the Commissioner through a Secretary of State and to the provisions of subsection (2) of this section, the Commissioner shall consult with the Executive Council in the formulation of policy and in the exercise of all powers conferred upon him by this Order or any other law except in the following cases-

- (a) in the exercise of any power expressed to be exercisable by the Commissioner, acting in his discretion;
 - (b) in the exercise of any power relating to any of the matters with respect to which the Commissioner has power to make laws by virtue of subsection (2) of section 32 of this Order;
 - (c) in the exercise of any power conferred upon the Commissioner by any law (other than a power expressed to be conferred upon the Commissioner in Council) that in the opinion of the Commissioner-
 - (i) is a power pertaining to the administration of justice or is a judicial or quasi-judicial power;
 - (ii) is a power pertaining to the remission or mitigation of penalties, fees, duties or other charges;
 - (iii) relates to the appointment (including appointment on promotion or transfer) or dismissal of, or the exercise of disciplinary control over, any officer of a corporation directly incorporated by law or the grant of a pension, gratuity or other like benefit to any such officer or his widow, children, dependants or personal representatives; or
 - (iv) relates to the appointment of any person for the execution of any law or the dismissal of any such person (other than the chairman or a member of a corporation directly incorporated by law); or
 - (d) any other power conferred upon the Commissioner in respect of which it is provided by law, either expressly or by implication, that he shall not be obliged to consult with the Executive Council in the exercise thereof.
- (2) The Commissioner shall not be obliged to consult with the Executive Council in the exercise of any power conferred upon him in any case-
- (a) that is of such a nature that in his judgment Her Majesty's service would sustain material prejudice by reason of his consulting the Council thereon;
 - (b) in which the matters to be decided are, in his judgment, too unimportant to require the advice of the Council; or

(c) in which the matters to be decided are, in his judgment, too urgent to admit of the giving of the advice of the Council by the time within which it may be necessary for him to act:

Provided that in any case falling within paragraph (c) of this subsection the Commissioner shall, as soon as is practicable, communicate to the Council the measures that he has adopted, with the reasons therefore.

(3) Subject to the provisions of subsection (4) of this section, the Commissioner shall act in accordance with the advice of the Executive Council in any matter on which he is by this section obliged to consult with the Council.

(4) If in any case in which he consults with the Executive Council, whether in pursuance of this section or otherwise, the Commissioner considers it expedient in the interests of public faith, public order or good government (which expressions shall without prejudice to their generality include the responsibility of the Southern Cameroons as a territory within the Commonwealth and all matters pertaining to the creation or abolition of any public office or the salary or other conditions of service of any public officer) that he should not act in accordance with the advice of the Council then he may act otherwise than in accordance with that advice; and whenever the Commissioner so acts otherwise than in accordance with the advice of the Council in any matter on which he is by this section obliged to consult with the Council-

(a) he shall report the matter to Her Majesty through a Secretary of State at the first convenient opportunity, with the reason for his action; and

(b) any member of the Council may require that there be recorded in the minutes of the Council any advice or opinion that he may give upon the question, with the reason therefore.

Performance of functions of Premier during absence or illness

41. – (1) Whenever the Premier is for any reason prevented from or incapable of discharging the functions conferred upon him by this Order the Commissioner may authorize one of the other members of the Government of the Southern Cameroons to perform those function (other than the functions conferred by this section) and that Minister may perform those functions until his authority is revoked by the Commissioner.

(2) The powers of the Commissioner under this section shall be exercised by him in accordance with the advice from the Premier:

Provided that if the Commissioner considers it is impracticable to obtain the advice of the Premier he may exercise those powers without that advice.

Leave of absence for Ministers, etc.

42. (1) The Commissioner, acting in his discretion, may grant leave of absence from his duties to Premier of the Southern Cameroons.

(2) The Commissioner acting on the recommendation of the Premier, may grant leave of absence from his duties to a Minister of the Government of the Southern Cameroons other than the Premier or to a Parliamentary Secretary to such a Minister.

Parliamentary Secretaries

43. (1) The Commissioner, acting in accordance with the advice of the Premier, may appoint not more than three Parliamentary secretaries from among the members of the House of Assembly to assist Ministers of the Government of the Southern Cameroons in the performance of their duties.

(2) The office of a Parliamentary Secretary shall become vacant—

(a) if he ceases to be a member of the House of Assembly otherwise than by reason of a dissolution of the House.

(b) if the office of the Premier become vacant; or

(c) if the Commissioner, acting in accordance with the advice of the Premier, so directs.

Oaths to be taken by members of Executive Council

44. A member of the Executive Council shall not enter upon the duties of office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by any law.

Permanent Secretaries

45. Where any Minister of the Government of the Southern Cameroons has been charged with the responsibility for any department of government, he shall exercise general direction and control over the department: and, subject to such direction and control, the department shall be under the supervision of such member of the public service (who shall be styled a permanent secretary) as the Commissioner, acting in his discretion, may select.

Constitution of offices

46. Subject to the provisions of this Order and of any other law and of any instruction given by Her Majesty to the Commissioner through a Secretary of State, the Commissioner, Her Majesty's name and on Her Majesty's behalf, may constitute offices for the Southern Cameroons make appointments to any such office and terminate any such appointment.

Establishment of Advisory Council on Prerogative of Mercy

47. There shall be an Advisory Council on the Prerogative of Mercy for the Southern Cameroons constituted in such manner as Her Majesty may by instructions given by Her Majesty to the Commissioner through a Secretary of State direct.

Prerogative of mercy

48. (1) The Commissioner, acting in his discretion, may, in her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions; or

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence; or

(c) substitute a less severe form of punishment imposed on that person for any offence; or

(d) remit the whole or any part any punishment imposed on that person for any offence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence.

(2) In the exercise of his powers under this section, the Commissioner shall consult with the advisory Council on the Prerogative of Mercy in such cases and in such manner as may be prescribed by any instructions given by Her Majesty to the Commissioner through a Secretary of State.

Public prosecutions

49. The Attorney-General of the Southern Cameroons shall have power in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any court of law in the Southern Cameroon other than a court-martial in respect of any offense.

(b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority;

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General under subsection (1) of this section may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The powers conferred upon the Attorney-General by paragraphs (b) and (c) of section (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(4) In the exercise of the powers conferred upon him by this section the Attorney-General shall not be subject to the direction or control of any other person or authority.

(5) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other or to Her Majesty in Council shall be deemed to be part of those proceedings.

CHAPTER IV.- COURTS

Establishment of High Court

50. – (1) There shall be a High Court for the Southern Cameroons

(2) Subject to the provisions of this Order, the High Court of the Southern Cameroons shall consist of a judge appointed in accordance with the provisions of section 51 of this Order.

(3) The High Court of Southern Cameroons shall be a superior court of record and, save as otherwise provided by any law, shall have all powers of such a court, including the power to punish for contempt of itself.

Appointment of judge of High Court

51. – (1) The judge of the High Court shall be appointed by the Commissioner by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State.

(2) A person shall not be qualified to hold the office of a judge of the High Court unless-

(a) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court; or

(b) he is qualified to practice as an advocate in such a court and he has been qualified to practice as an advocate or solicitor in such a court for not less than ten years:

Provided that in computing the period during which any person has been qualified to practice as an advocate or solicitor any period during which he has held office as a judge or magistrate after becoming so qualified shall be included.

(3) if the office of the judge of the High Court is vacant or if the Commissioner, acting in his discretion, is satisfied that the judge is for any reason unable to perform the functions of his office or that the state of business in the High Court so requires the Commissioner, acting in his discretion, may appoint a person qualified for appointment as the judge of the High Court to act as the judge of the High Court and any person so appointed shall, unless he is removed therefrom under section 53 of this Order, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Commissioner, acting in his discretion:

Provided that a person may act as a judge of the High Court notwithstanding that he has attained the age of sixty-two years

Oaths to be taken by judges of High Court

52. A judge of the High Court of the Southern Cameroons shall, before entering upon the duties of his office, take and subscribe the oath of allegiance and such oath for the due execution of his office as may be prescribed by any law in force in the Southern Cameroons.

Tenure of office of judges of High Court

53. – (1) Subject to the provisions of this section, the judge of the High Court shall vacate his office when he attains the age of sixty-two years: Provided that the Commissioner, acting in his discretion, may permit the judge to continue in office for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) A person holding the office of the judge of the High Court may be removed only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(3) A person holding the office of the judge of the High Court shall be removed from office by the Commissioner if the question of the removal of that judge from office has, at the request of the Commissioner made in pursuance of section (4) of this section been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under any enactment enabling Her Majesty in that behalf and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability or misbehaviour.

(4) If the Commissioner, acting in his discretion, considers that the question of removing the judge of the High Court under this section ought to be considered, then—

- (a) the Commissioner shall appoint a tribunal, which shall consist of a chairman and not less than two other members, selected by the Commissioner, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;
 - (b) that tribunal shall enquire into the matter and report on the facts thereof to the Commissioner and recommend to the Commissioner whether he should request that the question of the removal of the judge should be referred by Her Majesty to the Judicial Committee; and
 - (c) if the tribunal so recommends, the Commissioner shall request that the question should be referred accordingly.
- (5) If the question of removing the judge of the High Court from office has been referred to a tribunal under subsection (4) of this section, the Commissioner, acting in his discretion, may suspend the judge from performing the function of his office, and any such suspension may at any time be revoked by the Commissioner, acting in his discretion, and shall in any case to have effect—
- (a) if the tribunal recommends to the Commissioner that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee;
 - (b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.
- (6) The provisions of the Commissions of Inquiry Ordinance (a) shall apply in relation to a tribunal appointed under subsection (4) of this section as they may apply in relation to Commissioners appointed under that Ordinance and for that purpose those provisions shall have effect as if they formed part of this Order.
- (7) This section shall apply in relation to any person acting as a judge of the High Court as it applies to the person holding the office of the judge of the High Court but without prejudice to the provisions of section 51 of this Order relating to the revocation of his appointment

Appeals to High Court from subordinate courts

- 54.** (1) An appeal shall lie from decisions of a subordinate court to the High Court as of right (or, if it is provided by any law that an appeal as of right shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court as of right) in the following cases—
- (a) where the matter in dispute on the appeal to the High court is of the value of fifty pounds or upwards where the appeal involves directly or indirectly; a claim to or question respecting property or a right of the value of fifty pounds or upwards final decisions in any civil proceedings.

(b) where the ground of appeal to the High Court involves questions of law alone, decisions in any criminal proceedings in which any person has been sentenced to imprisonment to a term exceeding months or corporal punishment exceeding six strokes or a fine or forfeiture exceeding twenty-five pounds by the subordinate courts from which the appeal lies to the High Court or that subordinate court has affirmed or substitute such a sentence;

(c) decisions on questions as to the interpretation of this Order in any civil or criminal proceedings;

(d) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Chapter VII of this Order has been contravened in relation to any person:

(e) decision in any criminal proceedings in which any person has been sentenced to death by the subordinates court from which the appeal lies to the High Court or in which that subordinate court has affirmed a sentence of death;

(f) decision in any other criminal proceedings before a subordinate court sitting at first instance from which no appeal lies as of right to another subordinate court; and

(g) such other cases as may be prescribed by any law.

(2) An appeal shall lie from decision of a subordinate court to the High court with the leave of the High court (or, if it is provided by any law that an appeal shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court with the leave of the High Court) in the following cases——

(a) decisions in any criminal proceedings from which no appeal lies as of right to the High Court: and

(b) such other cases in which no appeal lies as of right to the High Court as may be prescribed by any law.

(3) Any right of appeal from decisions of a subordinate court to the High Court conferred by this section——

(a) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court, at the instance of any other person having an interest in the matter and in the case of criminal proceedings at the instance of the accused person or, subject to the provisions of section 49 of this Order, at the instance of such other persons or authorities as may be prescribed by any law; and

(b) shall be exercised in accordance with any laws and rules of court for the time being in force regulating the powers, practice and

(4) In this section——

“decision” means, in relation to a subordinate court and includes (without prejudice to the generality to the foregoing) a judgment, degree, order,

conviction, sentence (other than a sentence fixed by law) or recommendation; “subordinate court” means any court of law other than the Federal Supreme Court of Nigeria, the High court or a court-martial.

Appeals to Federal Supreme Court of Nigeria

55. – (1) The Federal Supreme Court of Nigeria shall have jurisdiction to hear and determine appeals from the High Court.

(2) An appeal shall lie from decisions of the High Court to the Federal Supreme Court of Nigeria as of right in the following cases-

(a) final decisions in any civil proceedings before the High Court sitting at first instance;

(b) where the ground of appeal involves questions of law alone, decisions in any criminal proceedings before the High Court sitting at first instance;

(c) decisions in any civil or criminal proceedings on questions as to the interpretation of this Order;

(d) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Chapter VII of this Order has been contravened in relation to any person;

(e) decisions in any criminal proceedings in which any person has been sentenced to death by the High Court or in which the High Court has affirmed a sentence of death imposed by some other court; and

(f) such other cases as may be prescribed by any law in force in the Southern Cameroons:

Provided that nothing in paragraph (a) of this subsection shall confer any right of appeal-

(i) from any order made *ex parte*;

(ii) from any order relating only to costs;

(iii) from any order made with the consent of the parties; or

(iv) in the case of a party to proceedings for dissolution or nullity of marriage who, having had time and opportunity to appeal from any decree nisi in such proceedings, has not so appealed from any decree absolute founded upon such a decree nisi.

(3) An appeal shall lie from decisions of the High Court to the Federal Supreme Court of Nigeria as of right from decisions on any such question as is referred to in section 14 of this Order and the decision of the Federal Supreme Court upon any such question shall be final.

(4) Subject to the provisions of subsection (2) of this section, an appeal shall lie from decisions of the High Court to the Federal Supreme Court of Nigeria with the leave of the High Court or the Federal Supreme Court of Nigeria in the following cases-

(a) where the ground of appeal involves questions of fact, mixed law and fact or quantum of sentence, decisions in any criminal proceedings before the High Court sitting at first instance;

(b) any case in which, but for the terms of the proviso to subsection (2) of this section, an appeal would lie as of right to the Federal Supreme Court by virtue of paragraph (a) of that subsection;

(c) decisions in any civil or criminal proceedings in which an appeal has been brought to the High Court from some other court; and

(d) such other cases as may be prescribed by any law in force in the Southern Cameroons.

(5) The Federal Supreme Court of Nigeria may dispose of any application for leave to appeal from any decision of the High court in respect of any civil or criminal proceedings in which an appeal has been brought to High Court from some court of the Southern Cameroons upon consideration of the records of the proceedings if the Federal Supreme Court is of opinion that the interest of justice do not require an oral hearing of the application.

(6) Any right of appeal to the Federal Supreme Court of Nigeria from the decisions of the High Court conferred by this section——

(a) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court or the Federal Supreme Court at the instance of any other person having an interest in the matter and in the case of criminal proceedings at the instance of the accused person or subject to the provisions of section 49 of this Order, at the instance of such other persons or authority as may be prescribed by any law in force in the Southern Cameroons; and

(b) shall be exercised in accordance with any laws and rules of court for the time being in force in the Southern Cameroons regulating the powers, practice and procedure of Federal Supreme Court.

(7) In this section “decision” means, in relation to the High Court, any determination of that court and court and includes (without prejudice to the generality of the foregoing) a judgment, decree order, conviction, sentence (other than a sentence fixed by law) or recommendation.

Powers, practice and procedure of Federal Supreme Court

56. (1) The Federal Supreme Court of Nigeria shall be a superior court of record in the Southern Cameroons and, save as otherwise provided by any law shall have all the powers of such a court.

(2) The decisions of the Southern Cameroons by the High court of Nigeria shall be enforced in the Southern Cameroons by the High Court and by all persons, authorities and other courts in the Southern Cameroons as if they were orders of the High court.

(3) The Federal Supreme Court may make rules for regulating the practice and procedure of the court in the Southern Cameroons.

(4) The Commissioner, acting in his discretion, may by Proclamation confer upon the Federal Supreme Court such powers additional to those conferred

by this Order as appear to be necessary or desirable for enabling the court more effectively by this Order as appear to be necessary or desirable for enabling the court more effectively to exercise its jurisdiction.

Appeals from Federal Supreme Court of Nigeria to Her Majesty in Council

57. (1) Subject to the provisions of this Order, an appeal shall lie from a decision of the federal Supreme Court of Nigeria given in exercise of the jurisdiction conferred upon it by this Order to Her Majesty in council as of right in the following cases—

(a) where the matter in dispute on the appeal to Her Majesty in Council amounts to or is of the value of five hundred pounds or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of five hundred pounds or upwards final decisions in any civil proceeding;

(b) final decisions in any civil or criminal proceedings for dissolution or nullity of marriage;

(c) final decisions in any civil or criminal proceedings on questions as to the interpretation of this Order; and

(d) such other cases as may be prescribed by any law in force in the Southern Cameroons.

(2) Subject to the provisions of this Order, an appeal shall lie from decisions of the Federal Supreme Court of Nigeria given in exercise of the jurisdiction conferred upon it by this Order to Her Majesty in Council with level of the Federal Supreme Court of Nigeria in the following cases—

(a) where in the opinion of the federal Supreme Court the question involved in the appeal is one which, by reason of its great general or public important or otherwise, ought to be submitted to Her majesty in Council; or

(b) in such other cases as may be prescribed by any law in force in the Southern Cameroons.

(3) Nothing in this section shall affect any right of Her Majesty to grant special leave to appeal to Her Majesty in Council from decisions of the Federal Supreme Court of Nigeria given in exercise of the Jurisdiction conferred upon by this Order in any civil or criminal matter.

CHAPTER V—FINANCE

Establishment of Consolidated Revenue Fund

58. (1) All revenues or other moneys raised or received by the Southern Cameroons (not being revenues or other moneys payable under any law

in which some of the public funds of the Southern Cameroons established a specific purpose) shall be paid unto the form one consolidated revenue fund.

(2) No money shall withdrawn from the Consolidated Revenue Fund of the Southern Cameroons unless—

(a) those moneys are charged upon the Fund by this Order or any other law; or

(b) the issue of those moneys has been authorized by an appropriation law, a proclamation made under section 32 of this Order or a law made in pursuance of section 60 of this Order.

(3) No moneys shall be withdrawn from any public funds of the Southern Cameroons other than the Consolidated Revenue Fund unless the issue of those moneys has been authorized by a law.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund or other public funds of the Southern Cameroons except in the manner prescribed by a law.

Authorization of expenditure from Consolidated Revenue Fund

59 (1) The Commissioner shall caused to be prepare and laid before the House of Assembly in each financial year estimate of the revenue and expenditure of the Southern Cameroons for the next following financial year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund by this Order and any other law or authorized by a proclamation made under section 32 of this Order) shall be included in a bill, to be known as an appreciation, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purpose specified therein.

(3) If in respect of any financial year it is found—

(a) that the amount appropriated by the appropriation law for any purpose is insufficient or that a need has arisen for expenditure for the purpose for which no amount has been appropriated by the law; or

(b) that any moneys have been expended for any purpose in excess of the amount (if any) appropriated for the purpose by the appropriation law, a supplementary estimate showing the sums required or spent shall be laid before the House of Assembly and the heads of any such expenditure shall be included in a supplementary appropriation bills.

Authorization of expenditure in advance of appropriation

60. A law made by the Commissioner, with the advise and consent of the House of Assembly may make provisions under which, if the appropriation in respect of any financial year has not come into operation by the

beginning of that financial year, the member of the executive Council responsible for finance may authorize the withdrawal of moneys from the Consolidated revenue Fund for the purpose of meeting expenditure necessary to carry on the services of the government until the expiration four months from the beginning of that financial year or the coming into operation of the appropriation law, whichever is the earlier.

Contingencies Fund

61. (1) A law made by the Commissioner with the advice and consent of the House of Assembly may provide for the establishment of a contingencies Fund and for authorizing the member of the Executive council responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

(2) Where any advance is made in accordance with subsection (1) of this section a supplementary appropriation bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

Special power to charge Consolidated Revenue Fund

62. If the commissioner, acting in his discretion, is satisfied that any expenditure is required for giving effect or enabling effect to be given to any arrangement for the purpose of facilitating the administration of Southern Cameroons after the commencement of this Order made between the Governor-General of the Federation of Nigeria and the Commissioner of the Cameroons before the commencement of this Order or between Her Majesty's Government in the United Kingdom and Her Majesty's government of the Federation of Nigeria after the commencement of this Order, he may by order declare that expenditure shall be a charge on the Consolidated Revenue Fund of the Southern Cameroons and any expenditure specified in any such order shall be charged accordingly.

Remuneration of certain officers

63. (1) There shall be paid to the holders of the office to which this section applies such salaries as may be prescribed by any law.

(2) The salary and allowances payable to the holders to those offices to which this section applies shall be charged on the Consolidated Revenue Fund of the Southern Cameroons.

(3) The salary payable to any holder of an office to which this section applied and his terms of office other than allowances shall not be altered to his disadvantage after his appointment.

(4) This section applies to the office of the Commissioner, a judge of the High Court, the Director of Audit of the Southern Cameroons and a member of the public service Commission.

Audit of public accounts

64. (1) There shall be a director of Audit for the Southern Cameroons whose office shall be an office in public service.

(2) The public accounts of the Southern Cameroons and of all officers, courts and authorities of the Southern Cameroons shall be audited and reported on by the director of Audit of the Southern Cameroons and for the purpose the Director or any person authorized by him in the behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The director of Audit of the Southern Cameroons shall submit his reports to the Commissioner, who shall cause them to be laid before the house of Assembly.

(4) In the exercise of his functions under this order the director of Audit of the Southern Cameroons shall not be subject to the direction or control of any other person or authority.

Public debt

65. (1) The public debt of the Southern Cameroons shall be secured upon the revenues and assets of the Southern Cameroons.

(2) In this section references to the public debt of the Southern Cameroons include references to the interest on that debt sinking fund payment in respect of that debt and the cost, charges and expenses in incidental to the management of that debt

CHAPTER VI-THE PUBLIC SERVICE OF THE SOUTHERN CAMEROONS

Establishment of Public Service Commission

66. (1) There shall be a public service commission for the Southern Cameroons, which shall consist of a Chairman and such number of other members as may be prescribed by regulation made under section 67 of this Order.

(2) The members of the public service commission shall be appointed by the Commissioner, who may terminate the appointment of any member, and subject to the provisions of this Order the members shall hold office on such terms and conditions as may be prescribed by regulations made under section 67 of this Order.

(3) An Elected Member or special Member of the House of Assembly shall not be qualified to hold the office of member of the public service commission.

Regulation regarding Public Service Commission

67. Subject to the provisions of this Order, the Commissioner may make regulations for giving effect to the provisions of this chapter and in particular and without prejudice to the generalities of the foregoing power may be such regulations make provisions for any of the following matters, that is to say:—

- (a) the membership of the public serve commission;
- (b) the appointment, tenure of office and terms of service of members of the commission;
- (c) the organization of the work of the commission and the manner in which the commission shall perform its function;
- (d) consultation by commission with the person other than members;
- (e) the appointment, tenure of office and terms of staff to assist the Commission in the performance of its function;
- (f) the definition and trial of offences connect with the function of the commission (including, without prejudice to the generality of this paragraph, offences relating to the brink of improper influence on the commission, misconduct by members of the commission, the giving of false information to the Commissioner on the improper disclosure of information obtained in the cause the work of the commission) and imposition of penalties for such offenses;

Provided that no penalty for any such offence shall exceed a fine of two hundred pounds and a term of one year.

Appointment of officers in public service

68. (1) Subject to the provisions of this Order, power to appoint person to hold or act in offices in the public service of the Southern Cameroons (including power to make appointments on promotion and transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Commissioner.

(2) Subject to the provisions of subsection (3) of this section, the Commissioner may, subject to such condition as he think fit, delegate to any officer and the public service any of the powers conferred on the Commissioner by subsection (1) of this section.

(3) The Commissioner shall—

(a) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation; or

(b) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by a secretary of state.

(4) For the purpose of subsection (3) of this section the emoluments of an officer shall (whether or not he is employed on terms that include

eligibility for pension) include only such classes of emoluments as, under the law for the time being in force relating to pension, are taken into accounts in computing pension.

(5) The provisions of this section shall be subject to the provisions of any instructions given by Her Majesty to the Commissioner through a secretary of state and any power conferred by this section or delegate under this section shall be exercise in accordance with the provisions of such instruction.

Public Service Commission to advise Commissioner

69. (1) The Commissioner may (either generally or specially, and in whatever manner he thinks fit) referred to the public service commission for their advice any matter relating to the appointment of any person to an office in the public service, or the dismissal or disciplinary control officers in the public service or any other matter in his opinion, affect the public service.

(2) It shall be the duty of the public service commission to advise the Commissioner on any question that he refers to it in accordance with the provisions of this section but the Commissioner shall not be obliged to act in accordance with the advice given to him by the commission.

Commission to advise other officers

70. (1) The Commissioner may in such manner as he thinks feed require any officer to whom he delegates any power under section 68 of this Order to refer to the Public Service Commission for their advice, on such conditions as the Commissioner may prescribed, any matter relating to the exercise of that power.

(2) It shall be the duty of the Public Service Commission to advise any officer on any question that he refers to it in accordance with the provisions of this section and in any case in which he is required by the Commissioner to refer any matter to the Commission for their advice that officer shall act in accordance with the advice given to him by the Commission unless the Commissioner authorizes him to act otherwise.

Exercise of power under this chapter

71. In the exercise of the powers conferred on him by this Chapter the Commissioner shall act in his discretion:

Provided that in appointing the members of the Public Service Commission other than the chairman the Commissioner shall consult with the Executive Council but shall not be required to act in accordance with the advice of that Council.

CHAPTER VII- FUNDAMENTAL RIGHTS

Deprivation of life

72. – (1) No person shall be deprived internationally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable-

(a) for the defence of any person from violence or for the defence of property;

(b) in order to effect an arrest or to prevent the escape of a person detained;

(c) for the purpose of suppressing a riot, insurrection or mutiny; or

(d) in order to prevent the commission by that person of a criminal offence.

(3) The use of force in circumstances in which and to the extent to which it would have been authorized in the Southern Cameroons on the first day of November, 1959, by the Code of Criminal Law established by the Criminal Code Ordinance (a), as amended, shall be regarded as reasonably justifiable for the purposes of this section.

Inhuman treatment

73. – (1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment,

(2) Nothing in this section shall invalidate any law by reason only that it authorizes the infliction of any punishment that was lawful and customary in the Southern Cameroons on the first day of November, 1959.

Slavery and forced labour

74. – (1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section “forced labour” does not include-

(a) any labour required in consequence of the sentence or order of a court;

(b) any labour required of members of the armed forces of the Crown in pursuance of their duties as such or, in the case of persons who have conscientious objections to service in the armed forces, any labour required instead such service;

(c) any labour required in the event of an emergency or calamity threatening life or wellbeing of a community; or

(d) any labour forms part of normal communal or other civil obligations.

Deprivation of personal liberty

75. (1) No person shall be deprive of his personal liberty save in the following cases and in accordance with a procedure permitted by law—
- (a) inconsequence of his unfitness to plead to a criminal charge, in execution of the sentence or order of a court in respect of a criminal offense of which he has been found guilty or in the execution of the order of a court of record punishing him for contempt of itself;
 - (b) by reason of his failure to comply with the order of a court or in order to secure the fulfilment of any obligation imposed upon him by law;
 - (c) for the purpose of bringing him before the court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offense or to such extent as may be reasonably necessarily to prevent his committing a criminal offense;
 - (d) in the case of a person who has not obtain the age of twenty one years, for the purpose of his education or welfare;
 - (e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs, alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or
 - (f) for the purpose of preventing the unlawful entry of any person into the Southern Cameroons or for the purpose of effecting the expulsion, extradition or other lawful removal from the Southern Cameroon of any person or the taking of proceedings relating thereto.
- (2) Any person who is arrested or detained shall be promptly informed, in language that he understand of the reasons for his arrest or detention.
- (3) Any person who is arrested or detained in accordance with paragraph (c) of subsection (1) of this section shall be brought before a court of law without on due delayed and if he is not tried within a reasonable time he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial for later date.
- (4) Any person who is unlawfully arrested or detained shall be entitled to compensation.
- (5) Nothing in this section shall invalidate any law by reason only that it authorizes the detention for a period not exceeding three months of a member of the armed forces for the crown or a member of a police force in execution of a sentence imposed by an officer of the armed forces of the crown or a police force, as the case may be, in respect of an offense punishable by such detention of which he has been found guilty.

Determination of rights

76. (1) In the determination of his civil rights and obligations a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independent and impartiality;

Provided that nothing in this subsection shall invalidate any law by any reason only that it confers on any person or authority power to determine questions arisen in the administration of a law that affect or may affect the civil rights and obligation of any person.

(2) Whenever any person is charged with a criminal offense, he shall, unless the charge is withdrawn, be entitled to a fair hearing within a reasonable time by a court.

(3) The proceedings of a court or the proceedings of any tribunal relating to the matters mentioned in subsection (1) of this section (including the announcement of the decision of the court or tribunal) shall be held in public;

Provided that—

(a) a court or such a tribunal may exclude from its proceedings persons other than the parties thereto in the interest of defence, public safety, public order, public morality, the welfare of persons who have obtained the age of twenty one years, the protection of the private life of the parties or to such extent as it may consider necessary by reason of special circumstances in which publicity will be centrally to the interest of justice; and

(b) if any proceedings before a court or such a tribunal, the Commissioner, acting in his discretion, certifies that it will not be in the public interest for any matter to be publicly disclosed, the court or tribunal shall make arrangements for evidence relating to that matter to be heard in *camera* and shall take such other action as may be necessary or expedient to prevent the disclosure of the matter.

(4) Every person who is charged with a criminal offence shall be presumed to be innocent till until he is proved guilty:

Provided that nothing in this section shall invalidate any law by reason only that nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of proving particular facts.

(5) Every person who is charged with a criminal offence shall be entitled—

(a) to be informed promptly, in language that he understand in detail, of the nature of the offence;

(c) to defend himself in person or by legal representatives of his own choice;

(d) to examine in person or by his legal representatives the witnesses called by the prosecutor before any court and obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to the witnesses called by the prosecution; and

(e) to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence;

Provided that nothing in this subsection shall invalidate any law by reason only that the law prohibits legal representation in a court established by or under the customary law, 1956 (a), as amended, or any law replacing that law.

(6) When any person is tried for any criminal offence, the court shall keep a record of the proceedings, and the accused person or any person authorized by him in that behalf shall be entitled to obtain copies of the record within a reasonable time upon payment of such fee as may be prescribed by law.

(7) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence heavier than the penalty enforced at the time the offence was committed.

(8) No person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for a criminal offence having the same ingredients as that offence save upon the order of a Superior Court; and no person who shows that he has been pardoned for a criminal offence shall again be tried for that offence.

(9) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(10) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefore prescribed in a written law:

Provided that nothing in this subsection shall prevent a court of record from punishing any person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty therefore is not so prescribed.

Private and family life

77. (1) Every person shall be entitled to respect for his private and family life, his home and his correspondence.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society-

(a) in the interest of defence, public safety, public order, public morality, public health or the economic well-being of the community; or

(b) for the purpose of protecting the rights and freedom of other persons.

Freedom of conscience

78. (1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief and freedom, either alone or community with others, and in public or in private to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observances if such instruction, ceremony, or observances relate to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of the community or denomination in any place of education maintained wholly by that community or denomination.

(4) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality or public health; or

(b) for the purpose of protecting the rights and freedom of other persons, including their rights and freedom to observe and practice their religions without the unsolicited of members of other religions.

Freedom of expression

79. (1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the rights, reputations and freedom of other persons, preventing the disclosure of information received in confidence, maintaining the authority and independence of the court or regulating telephony, wireless broadcasting, television, or the exhibition of cinematograph films; or

(c) imposing restrictions upon persons holding office under the Crown, members of the armed forces of the Crown or members of a police force.

Peaceful assembly and association

80. (1) Every person shall be entitled to assemble freely and associate with other persons and in particular he may form or belong to trade unions and other associations for the protection of his interest.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(a) in the interest of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the rights and freedom of other persons; or

(c) imposing restrictions upon persons holding office under the Crown members of the armed forces of the Crown or members of a police force.

Freedom of movement

81. (1) Every person to whom this section applies is entitled to move freely throughout the Southern Cameroons and to reside in any part thereof; and no such person shall be expelled from the Southern Cameroons or refused entry thereto.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(a) restricting the movement or residence of any person within the Southern Cameroons in the interest of defence, public order, public morality or public health;

(b) for the removal of persons from the Southern Cameroons to be tried outside the Southern Cameroons for criminal offenses or to undergo imprisonment outside the Southern Cameroons in execution of the sentences of courts of law in respect of criminal offences of which they have been found guilty; or

(c) imposing restrictions upon the movement or residence within the Southern Cameroons of the public service, members of the armed forces of the Crown or members of a police force.

(3) Nothing in this section shall invalidate any law by reason only that the law imposes restrictions with respect to the acquisition or use by any person of land or other property in the Southern Cameroons or any part thereof.

(4) This section applies to any person who belongs to the Southern Cameroons.

(5) For the purposes of this section a person shall be deemed to belong to the Southern Cameroons if he is a British subject or a British protected person and—

(a) was born in the Southern Cameroons or of parents who at the time of his birth were ordinarily resident in the Southern Cameroons: or

(b) has been ordinarily resident in the Southern Cameroons continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident continuously for a period of seven years or more in any other part of the Commonwealth; or

- (c) has obtained the status of a British subject by reason of the grant by the Commissioner or by the Governor of Nigeria or the naturalization under the British Nationality and Status of Aliens Act, 1914(a), the Naturalization of Aliens Ordinance (b) of the Federation of Nigeria or the British Nationality Act, 1948(c) and was at the time that certificate was granted ordinarily resident in the Southern Cameroons; or
- (d) is the wife of a person to whom any of the foregoing paragraphs applies not living apart from such person under a decree of a court or a deed of separation; or
- (e) is the child, stepchild or child adopted in a manner recognized by law under the age of eighteen years of a person to whom any of the foregoing paragraphs applies.

Freedom from discrimination

82. (1) A person of a particular community, tribe, place of origin, religion or political opinion shall not, by reason only that he is such a person—

- (a) be subjected either expressly by, or in the practical application of, any law or any executive or administrative action of the Government to disabilities or restrictions to which persons of other communities, tribes, places of origin, religious or political opinions are not made subject; or
- (b) be accorded either expressly by or in the practical application of, any law or any such executive section any privilege or advantage that is not conferred on persons of other communities, tribes, places of origin, religious or political opinions

(2) Nothing in this section shall invalidate any law by reason only that the law—

- (a) prescribes qualifications for service in an office under the Crown or as a member of the armed forces of the Crown or a member of a police force or for the service of a body corporate directly established by any law in force in the Southern Cameroons;
- (b) imposes restrictions with respect to the appointment of any person to an office under the Crown or as a member of the armed force of the Crown or a member of a police force or to an office in the service of a body corporate directly established by any law in force in the Southern Cameroons;
- (c) imposes restrictions with respect to the acquisition or use of any person of land or property in the Southern Cameroons or any part thereof;
- (d) imposes restrictions upon the employment, movement or residence within the Southern Cameroons of person to whom section 81 of this Order does not apply or provides for the expulsion of such persons from the Southern Cameroons or the refusal to allow them to enter the Southern Cameroons; or

(e) imposes any disability or restriction or accords any privilege or advantage that, having regard to its nature and to special circumstances pertaining to the persons to whom it applies, is reasonably justifiable in a democratic society.

Derogations from fundamental rights

83. (1) A law shall not be invalid by reason only that it provides for the taking, during periods of emergency, of measures that contravene the provisions of sections 72, 76, and 82 of this order but no such measures shall be taken in pursuance of any such law during any period of emergency save to the extent that those measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency;

Provided that nothing in this section shall authorize any derogation from the provisions of section 72 of this Order except in respect of deaths resulting from acts of war or from the provisions of subsection (7) of section 76

(2) In this section “period of emergency” means a period during which Part II of the Emergency Powers Order in Council, 1939 (a) as amended (b), is in force in the Southern Cameroons or any part thereof.

Reference to tribunal in certain cases

84. (1) Where—

(a) any person is lawfully detained in pursuance of a law derogating from the provisions of section 75 of this Order; or

(b) the movement or residence within the Southern Cameroons of any person who is a person to whom section 81 of this Order applies is lawfully restricted (otherwise than by order of a court of law) in the interest of defence, public safety, public order, public morality or public health, that person shall be entitled to require that his case should be referred within one month of the beginning of the period of detention or restriction and thereafter during that period at interval of not more than six months to a tribunal established by law and that tribunal may make recommendations concerning the necessity or expediency of continuing the detention or restriction to the authority that has ordered it;

Provided that such authority, unless it is otherwise provided by law, shall not be obliged to act in accordance with any such recommendation.

(2) A tribunal established for the purposes of this section shall be constituted in such manner as to its independence and impartiality and its chairman shall be appointed by the Commissioner, acting in his discretion, from among the persons qualified for admission in the Southern Cameroons as barristers or solicitors.

Compulsory acquisition of property

85. – (1) No property, movable or immovable, shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of the Southern Cameroons except by or under the provisions of a law that-

(a) requires the payment of adequate compensation therefore; and
(b) gives to any person claiming such compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the High Court

(2) Nothing in this section shall affect the operation of any law in force on the thirty-first day of March, 1958, or any law made after the date that amends or replaces such law and does not-

(a) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired;

(b) add to the purposes for which or circumstances in which such property may be taken possession of or acquired;

(c) make the conditions governing entitlement to any compensation or the amount thereof less favourable to any person owning or interested in the property; or

(d) deprive any person of any right as is mentioned in paragraph (b) of subsection (1) of this section.

(3) Nothing in this section shall be construed as affecting any general law-

(a) for the imposition or enforcement of any tax, rate or due;

(b) for the imposition of penalties or forfeitures for breach of the law, whether under civil process or after conviction of an offence;

(c) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts;

(d) relating to the vesting and administration of the property of persons adjudged or otherwise declared bankrupt or insolvent, or persons of unsound mind, or deceased persons and of company, other bodies corporate and unincorporated societies in the course of being wound up;

(e) relating to the execution of judgments or orders of courts;

(f) providing for the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plants or animals;

(g) relating to enemy property;

(h) relating to trusts and trustees;

(i) relating to the limitation of actions;

(j) relating to property vested in bodies corporate directly established by any law in force in the Southern Cameroons;

(k) relating to the temporary taking of possession of property for the purposes of any examination, investigation or enquiry; or

(1) providing for the carrying out of work on land for the purpose of soil conservation.

(4) The provisions of this section shall apply in relation to the compulsory taking of possession of property, movable and immovable, and the compulsory acquisition of rights over and interest in such property by or on behalf of the Crown.

Special jurisdiction of High Court in relation to this chapter

86. – (1) Any person who alleges that any of the provisions of this Chapter have been contravened in relation to him may apply to the High Court of the Southern Cameroons for redress.

(2) The High Court shall have jurisdiction to hear and determine any application made to it in pursuance of this section, and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement, of any rights to which the person who makes the application may be entitled under this Chapter.

(3) The Commissioner, acting in his discretion, may by proclamation make provision with respect to the practice and procedure of the High Court for the purpose of this section, and may confer upon the court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section.

Interpretation

87. In this Chapter, unless it is otherwise expressly provided or required by the context-

‘court’ means any court of law in the Southern Cameroons (other than a court-martial) and includes the Federal Supreme Court of Nigeria and Her Majesty in Council;

‘court’ means any court in the Southern Cameroons (other than a court-martial) and includes Her Majesty in Council;

Provided that, in relation to a member of the armed forces of the Crown, it also includes a court-martial;

‘law’ includes an unwritten rule of law;

‘member of the armed forces of the Crown’ includes any person who is subject to naval, military or air-force law;

‘member of a police force’ includes a person who is subject to any law relating to the discipline of a police force.

CHAPTER VIII—MISCELLANEOUS

Police

88. (1) Any contingents of the Nigeria Police Force that may be stationed in the Southern Cameroons in pursuance of any arrangement made between Her Majesty's Government in the United Kingdom and her Majesty's Government of the Federation of Nigeria shall have such powers and duties as may be conferred upon them by any law in force in the Southern Cameroons and shall be under the command of such officer of the Nigerian Police Force as may be designated in that behalf by the Commissioner, acting in his discretion.

(2) The Commissioner, acting in his discretion, may give to the officer commanding the contingents of the Nigeria Police Force stationed in the Southern Cameroons such direction with respect to the maintaining and securing of public safety and public order as he may decide are desirable (including directions with respect to the use and operational control of those contingents) and the officer commanding the contingents shall comply with those directions or cause them to be complied with.

House of Chiefs

89. (1) There shall be a House of Chiefs for the Southern Cameroons.

(2) The members of the House of Chiefs shall be—

(a) the Commissioner, who shall be the President of the House;

(b) not less than eighteen members selected for membership of the House in accordance with regulations made under subsection (4) of this section; and

(c) the members of Executive Council.

(3) The number of members of the House of Chiefs to be selected under paragraph (b) of subsection (1) of this section shall, subject to the provisions of that paragraph, be such as the Commissioner, acting in his discretion, may from time to time prescribe.

(4) Subject to the provisions of this section, the Commissioner, acting in his discretion, may by regulation—(a) make provision for the selection of persons to be members of the House of Chiefs in accordance with this foregoing provisions of this section;

(b) prescribe qualifications for selection as aforesaid;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House;

(d) make provision for the regulation and orderly conduct of the proceedings of the House.

(5) The House of Chiefs may consider and discuss any bill introduced in the House of Assembly, not being a bill that the Commissioner acting in his discretion, certifies in writing to be a money bill, or the draft of any such bill proposed for introduction in that House, or any other matter that may be referred to the House for consideration by the Commissioner, acting in his discretion, or by any other member, and may submit resolutions on any such bill or draft bill or other matter to the Commissioner for his consideration, which the Commissioner shall cause to be laid before the House of Assembly.

(6) In this section “a money bill” means that, in the opinion of the Commissioner, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of account of public money; the raising or guarantee of any loan or repayment thereof; or subordinate matters incidental to those matters or any of them.

(7) Any question proposed for determination in the House of Chiefs shall be determined by a majority of the votes of the members present and voting: Provided that the President shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case and the members of the Executive Council shall not be entitled to vote.

Resignations

90. Any person who is appointed, elected or otherwise selected to any office established by this Order may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected:

Provided that in the case of a member of the House of Assembly the resignation shall be addressed to the Speaker and in the case of a member of the House of Chiefs it shall be addressed to the President.

Re-appointments, etc.

91. – (1) Where any person has vacated any office constituted by this Order, he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Order.

(2) Whereby this Order a power is conferred upon any person or authority to make any appointment to any office in the public service, a person may be appointed to that office notwithstanding that some other person may be holding that office when that other person is on leave of absence

pending relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of that office.

Existing laws

92. – (1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the Orders in Council specified in the First Schedule to this Order, have effect after the commencement of this Order as if they had been made in pursuance of this Order and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(2) The Commissioner, acting in his discretion, may by order make such amendments to any existing law as may appear to him to be necessary or expedient-

(a) for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; or

(b) for giving effect or enabling effect to be given to the provisions of any agreement between Her Majesty's Government in the United Kingdom and Her Majesty's Government of the Federation of Nigeria made for the purpose of facilitating the administration of the Southern Cameroons after the commencement of the Order.

(3) The provisions of the section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal for any existing law.

(4) For the purposes of the section "the existing laws" means all Ordinance, Laws, rules, regulations, orders and other instruments having the effect of law made in pursuance of the Orders in Council specified in the first schedule to this Order and having effect as part of the law of the Southern Cameroons immediately before the commencement of this Order.

Existing offices, courts and authorities

93. (1) Subject to the provisions of this section, all offices, courts of law and authorities established under the Order in council revoked by this Order for the Southern Cameroons and existing immediately before the commencement of this Order shall, so far as is consistent with the provisions of this Order, continue after the commencement of this Order as if they were offices, courts and authorities established under this Order; and all persons who immediately before the commencement of this Order are holding or acting in offices established by or under the Orders revoked

by this Order for the Southern Cameroons or are members of the courts and authorities established by or under the Orders revoked by this Order for the Southern Cameroons or are members of the courts and authorities established by or under those Orders for the Southern Cameroons shall, so far as is consistent with the provisions of this Order, continue in office as if they have been appointed, selected or otherwise selected thereto under this Order in the manner prescribed by this Order and to have taken any necessary oaths under this Order:

Provided that—

(a) any member of any authority who would have been required to vacate his office at the expiration of any period prescribed by or under the Order revoked by this Order shall vacate his office accordingly; and

(b) the House of Assembly shall, unless sooner dissolved, stand dissolved on the date on which the House of Assembly of the Southern Cameroons would have been required to be dissolved by the Order revoked by this Order.

(2) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provisions for any matter, including the establishment and abolition of offices, courts of law and authorities and the appointment, election or selection of persons to hold or act in any office or to be members of any court or authority and their removal from office.

Pending legal proceedings

94. (1) Any proceedings pending immediately before the commencement of this Order before the High Court of the Southern Cameroons established by the Orders revoked by this Order may be continued before the High court established by this Order as if they had been initiated before that High court after the commencement of this Order.

(2) Any proceedings pending immediately before the commencement of this Order before Her Majesty in Council or any court of law established by or under the Orders revoked by this Order for the Southern Cameroons may be continued after the commencement of this Order notwithstanding that, by reason of the terms of this Order, no such proceedings could be initiated after the commencement of this Order.

Interpretation

95. (1) In this Order, unless it is otherwise expressly provided or required by the context—

“Commissioner” means the Commissioner of the Southern Cameroons;

“Commonwealth” means the United Kingdom and Colonies, Canada, Australia, New Zealand, The Union of South Africa, India, Pakistan, The

Federation of Rhodesia and Nyasaland, Ceylon, Ghana, The Federation of Malaya, The State of Singapore, The Republic of Cyprus and Nigeria and any independency of any such country;

“financial year” means any period of twelve months beginning on the first day of April in any year or such other dates as may be prescribed by law;

“oath” includes affirmation;

“the oath of allegiance” means an oath of allegiance in such form as may be prescribed by any law;

“the public service” means the service of the Crown in a civil capacity in respect of the government of the Southern Cameroons and

“the Southern Cameroons” means the territory the immediately before the commencement of this Order was comprised in the Nigeria (Constitution) Order in Council, 1954.

(2) In this Order, unless it is otherwise expressly provided or required by the context—

(a) references to persons holding offices in the public service include references to persons acting in those offices; and

(b) references to offices in the public service include references to the offices of a judge of the High court and references to the offices of members of all other courts established by any law, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or any other public fund of the Southern Cameroons.

(3) For the purposes of this Order, the office of Minister of the Government of the Southern Cameroons, a Parliamentary Secretary to such a Minister, a member of the Advisory Council on the Prerogative of Mercy or of the Public Service Commission shall not be regarded as offices in the public service.

(4) The Interpretation Act, 1889, shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpretation, and in relation to, Acts of the Parliament of the United Kingdom.

(5) No provision of this Order that any person or authority shall not be subject to the direction or control of any other person or authority in exercising a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this law or any other law.

(6) Whereby this Order the Commissioner is required to act in accordance with the advice of or after consultation with any person or authority, the question whether he has in any case received or acted in accordance with such advice or has so consulted shall not be enquired into in any court of law.

THE FIRST SCHEDULE

ORDERS IN COUNCIL REVOKED BY THIS ORDER

- The Nigerian (Constitution) Order in Council, 1954 (a)
The Nigerian (Office of Governor-General and Governors) Order in Council, 1954 (b)
The Nigerian (Office of Governor-General and Governors) (Amendment) Order in Council, 1954 (c)
The Nigerian (Constitution) (Amendment) Order in Council, 1955 (d)
The Nigerian (Constitution) (Amendment) Order in Council, 1956 (e)
The Nigerian (Tribunals of Inquiry) Order in Council, 1956 (f)
The Nigerian (Constitution) (Amendment) Order in Council, 1957 (g)
The Nigerian (Constitution) (Amendment No. 2) Order in Council, 1957 (h)
The Nigerian (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957 (i).
The Nigerian (Constitution) (Amendment) Order in Council, 1958 (j)
The Nigerian (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958 (k).
The Nigerian (Constitution) (Amendment No. 2) Order in Council, 1958 (l)
The Nigerian (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958 (m).
The Nigerian (Constitution) (Amendment No. 3) Order in Council, 1958 (n)
The Nigerian (Constitution) (Amendment No. 4) Order in Council, 1958 (o)
The Nigerian (Constitution) (Amendment) Order in Council, 1959 (p)
The Nigerian (Offices of Governor-General and Governors) (Amendment) Order in Council, 1959 (q).
The Nigerian (Constitution) (Amendment No. 2) Order in Council, 1959 (r)
The Nigerian (Offices of Governor-General and Governors) (Amendment No. 2) Order in Council, 1959 (s).
The Nigerian (Constitution) (Amendment No. 3) Order in Council, 1959 (t)
The Nigerian (Constitution) (Amendment No. 4) Order in Council, 1959 (u)
The Nigerian (Offices of Governor-General and Governors) (Amendment No. 3) Order in Council, 1959 (v).
The Nigerian (Constitution) (Amendment) Order in Council, 1960 (w)
The Nigerian (Offices of Governor-General and Governors) (Amendment) Order in Council, 1960 (x).
The Nigerian (Constitution) (Amendment No. 2) Order in Council, 1960 (y)

THE SECOND SCHEDULE
OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE
OFFICE OF COMMISSIONER OF THE SOUTHERN CAMEROONS

I, do swear (or solemnly affirm)
That I will well and truly serve Her Majesty Queen Elizabeth II, Her
Heirs and Successors, in the office of Commissioner of the Southern
Cameroons (so help me God).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for the administration of the United Nations
Trust Territory of the Southern Cameroons under British Administration
after its separation from Nigeria.

Notes

Notice how far advanced the constitutional document of the Southern
Cameroons was. Attention is particularly drawn to the human rights
provisions in that document. Half a century later, in 2010, Cameroun
Republic is still unable to come up with a comparable document.

A LAW TO ESTABLISH A CONSTITUTION
FOR THE FEDERATED STATE OF WEST CAMEROON
(1st October, 1961)

BE IT ENACTED by the Legislature of West Cameroon as follows:

Short title and commencement

1. This law may be cited as the West Cameroon Constitution Law, 1961,
and, save as is herein otherwise expressly provided, shall be deemed to
have come into force on the 1st day of October, 1961.

Establishment of Constitution

2. Subject to the provision of the Law, the constitution of the federal
State of West Cameroon set out in the schedule of this Law shall come
into effect at the commencement of this law.

SCHEDULE

(Section 2)

The Constitution of West Cameroon

THE HEAD OF THE GOVERNMENT

Establishment of office of Head of Government

1.(1) There shall be a Head of the Government of the Federal State of West Cameroon.

(2) The Prime Minister of the State shall be Head of Government.

Oath to be taken by Prime Minister as Head of State

2.The Prime Minister shall, before entering upon the duties of the office of the Head of the Government, take and subscribe the oaths of Allegiance and office in the forms set out in the schedule in this Constitution.

Powers and duties of Prime Minister

3. The Prime Minister shall have such powers and duties as are conferred upon him by or Of under this Constitution or any other Law and, subject to the provision of this constitution and any other Law by which any such powers and duties are conferred, shall do or execute all things that belongs to this office (including the exercise of any powers and the performance of any duties with respect to which he is empowered by this and the Federal Constitution) to act in his discretion.

Discharge of Prime Minister's functions during vacancy, etc.

4. Whenever, the office of Prime Minister is vacant or the holder of the office is absent from the State or is for any reason unable to perform the functions conferred upon him by this Constitution, those functions shall be performed by the senior secretary of State present in the State. Provided that nothing in this section shall preclude the Prime Minister from performing any of those functions at any time when his absent from state.

(2) Any person performing the function of the Prime Minister by virtue of the provisions of this section shall do or execute all things that belong to the office (including the exercise of any powers and the performance of any duties with respect to which he is empowered by this section to act in his discretion) according to such instructions, if any, as the Prime Minister may from time to time see fit to give him.

Chapter II

THE LEGISLATURE

Part I

COMPOSITION OF THE LEGISLATURE

Establishment of the Legislature

5. There shall be a Legislature for the State, which shall consist of the President, the House of Assembly and the House of Chiefs, and which shall have power to make laws for the peace, order and good government of the State.

Composition of the House of Assembly

6. The House of Assembly shall consist of thirty seven Elected Members

Attendance in House of Assembly

7. The Attorney-General of the State and such number of Special Representatives as may be appointed in accordance with regulations made by resolution of the House of Assembly to represent interest or communities not otherwise represented in the House of Assembly may attend meetings of the House and address it as though they were members thereof but shall not be entitled to vote.

The Speaker and officers of the House of Assembly

8. The Speaker and other Officers of the House of Assembly shall be appointed in accordance with the provisions of article 41 of the Federal Constitution.

House of Chief

9.(1) The House of Chiefs shall consist of:

(a) the President of the House, who shall be appointed by the Prime Minister.

(b) Not less than eighteen and not more than twenty two members selected for membership of the House in accordance regulations made under subsection (3) of this section and

(c) the other members of the executive council.

(2) The number of members of the house of chiefs to be selected under paragraph (b) of subsection (1) of this section shall, subject to provisions of that paragraph, be such as the Prime Minister may from time to time prescribe.

(3) Subject to the provisions of this section, the Prime Minister may be regulation.

(a) make provision to the selection of persons to be members of the House of Chiefs in accordance with foregoing provisions of this section;

(b) prescribe conditions on which any person selected as aforesaid shall hold his seat in this House.

(4) Any question proposed for determination in the House of Chiefs shall be determined by a majority of the votes of the members present and voting:

Provided that the members of the Executive Council shall not be entitled to vote.

5) Any regulations made under the provision of this section shall be laid before the House of Assembly and the House of Chiefs at the next meeting of each House

Oaths to be taken by members of the House of Assembly

10. Every member of the House of Assembly shall, before taking his seat in the House, take and subscribe before the House the oath of allegiance.

Part 2

PROCEDURE IN LEGISLATIVE HOUSES

Presiding Officer in the House of Assembly

11. There shall be preside at any sitting of the House of Assembly the Speaker, or in his absence, such

member of the House of Assembly as the House may elect for that purpose in accordance with the provision of article 41 of the Federal Constitution.

Presiding Officer in the House of Chiefs

12. There shall preside at any sitting of the House of Chiefs the President of the House, or in his absence, such member of the House of Chiefs as the House may elect for that purpose.

Quorum in House of Assembly

13. If objection is taken by any member of the House of Assembly present that there are present in the House (besides the person presiding) fewer than one-quarter of all the members of that House and, after such interval as may be prescribed in the rules of procedure of the House, the person presiding ascertains that the number of members present is still less than one-quarter of all the members of the House, he shall thereupon adjourn the House.

Use of English in the House of Assembly

14. Save by leave of the House the business of the House of Assembly shall be conducted in English.

Voting in the House of Assembly

15. (1) Any question proposed for decision in the House of Assembly shall be determined by a majority of the members present and voting; and the person presiding, being a member of the House, shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.

(2) The rules of procedure of the House of Assembly may provide that the vote of a member upon a question in which he has a direct pecuniary interest shall be disallowed.

Mode of exercising legislative powers

16. (1) The power of the legislature of the State to make laws shall be exercised by bills passed by both legislative Houses of the State (or in the case mentioned in section 17 of the Constitution by bills passed in accordance with the special procedure prescribed by that section) and assented to by the President.

(2) A bill other than a money bill may originate in either Legislative House of the State but a money bill may originate only in the House of Assembly.

(3) When a bill has been passed by the Legislative House of the State in which it originated it shall be sent to the other House, and it shall be presented to the President for assent.

(a) when it has been passed by the other House and agreement has been reached between the two Houses on any amendments made in it; or

(b) when it is required to be presented under section 17 of this Constitution.

(4) A bill shall not become law unless it has been passed and assented to in accordance with this Constitution and with the Federal Constitution.

Limitation of powers of House of Chiefs

17. The House of Chiefs shall not:

(a) proceed upon any bill, other than a bill sent from the House of Assembly, that, in the opinion of the person presiding, makes provision for any of the following purposes:

(i) for the imposition of any charge upon the consolidated Revenue Fund or any other public fund of the State;

(ii) for the imposition, repeal or alteration of taxation;

(iii) for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the State of any monies not charged thereon or any alteration in the amount of such a payment issue or withdrawal; or

(iv) for the composition or remission of any debt due to the State.

(b) proceed upon any amendment to any bill that in the opinion of the person presiding makes provision for any of those purposes;

(c) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes; or

(d) receive any petition that, in the opinion of the person presiding, request that provision be made for any of those purposes.

(2) Where a money bill is passed by the House of Assembly and, having been sent to the House of Chiefs at least one month before the end of the session, is not passed by the House of Chiefs without amendment within one month after it is so sent, the bill shall, unless the House of Assembly otherwise resolves, be presented to the President for this assent.

(3) Where:

(a) a bill that is not a money bill is passed by the House of Assembly and, having been sent to the House of Chiefs at least one month before the end of the session, is not passed by the House of Chiefs before the end of the session or is passed by the House of Chiefs with amendments to which the House of Assembly does not before the end of the session agree; and

(b) in the following session (whether of the same legislative Houses or not) but not earlier than six months after it was first passed by the House of Assembly the same bill, with no other alterations than those mentioned in subsection (5) of this section, is passed again by the House of Assembly and sent to the House of Chiefs at least one month before the end of the session or is passed by the House of the Chiefs with amendments to which the House of Assembly does not before the end of the session agree, the bill shall, unless the House of Assembly otherwise resolves, be presented to the President for his assent with such amendments, if any, as may have been agreed by both Houses.

(4) The House of Assembly may, on the passage of a bill for the purposes of paragraph (b) of subsection (3) of this section, suggest any amendments without inserting the amendments in the bill and any such suggested amendments shall be considered by the House of Chiefs and, if agreed to by the House of Chiefs, shall be treated as amendments agreed to by both Houses; but the exercise of this power by the House of Assembly shall not affect the operation of this section if the bill is not passed by the House of Chiefs or is passed by the House of Chiefs with amendments to which the House of Assembly does not agree.

(5) The alterations referred to in subsection (3) of this section are alterations certified by the Speaker of the House of Assembly to be necessary owing to the time that has elapsed since the bill was passed in the earlier session or to represent amendments made in that session by the House of Chiefs.

(6) When a money bill is sent to the House of Chiefs from the House of Assembly it shall bear a certificate of the Speaker of the House of Assembly that it is money bill.

(7) When a bill is presented to the President in pursuance of this section it shall bear a certificate of the Speaker of the House of Assembly that this section has been compiled with and that certificate shall be conclusive for all purposes and shall not be questioned in any court.

Regulation of procedure in Legislative House

18 (1) Subject to the provisions of this Constitution, each Legislative House of the State may regulate its own procedure.

(2) Each Legislative House of the State may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after dissolution) and the presence or participation of the proceedings of the House shall not invalidate those proceedings.

Interpretation

19. In this part of this chapter “money bill” means a bill that in the opinion of the Speaker of the House of Assembly contains only provisions dealing with:

(a) The imposition, repeal, remission, alteration or regulation of taxation;

(b) The imposition for the payment of debts or other financial purposes of charges on the Consolidated Revenue Fund or any other public Fund of the State or variation or repeal of any such charges;

(c) The grant of money to State or to the Federation or to any other person or to the authority or the variation or revocation of any such grant;

(d) The appropriation, receipt, custody, investment, issue or audit of accounts of public money;

(e) The raising or guarantee of any loan or the payment thereof; or

(f) Subordinate matters incidental to any of those matters.

Provided that the expressions “taxation,” “public money” and “loan” do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

Part 3

SUMMONING, PROROGATION AND DISSOLUTION

Session of Legislative House

20. Each session of the Legislative Houses of the State shall be held at such place within the State and shall begin at such time as may be appointed in accordance with the provisions of article 41 of the Federal Constitution.

Prorogation and dissolution of Legislative Houses

21. (1) The President may dissolve the House of Assembly in accordance with the provisions of article 44 of the Federal Constitution in which event the House the House of Chiefs shall also stand dissolved.

(2) The State legislative House, unless sooner dissolved shall continue for five years from the date of their sitting after any dissolution and shall then stand dissolved.

CHAPTER III

EXECUTIVE POWERS

Ministers of Government

22. (1) There shall be a Prime Minister of the State, who shall be appointed by the President, in accordance with the provisions of article 39 of the Government of the federal Constitution.

(2) There shall be, in addition to the office of Prime Minister, not less than seven nor more than eleven Secretaries of State of the Government of the State who shall be styled Ministers.

(3) Appointment to the office of Secretary of State shall be made by the President on the proposal of the Prime Minister.

Establishment of Executive Council

23. (1) There shall be an Executive Council for the State.

(2) The members of the Executive Council shall be the Prime Minister and the Secretaries of State

Summoning Executive Council and Quorum

24. (1) The Executive Council shall not be summoned except by the authority of the Prime Minister acting in his discretion or at the request of four members.

(2) No business shall be transacted in the Executive Council if objection is taken by any member present that, in addition to any member presiding there are present less than three members.

(3) The Attorney-General of the State may attend all meetings of the Executive Council and address it as though he were a member thereof.

(4). Appointment to the office of Secretary of State shall be made by the President, on the proposal of the Prime Minister, in accordance with the provisions of article 39 of the Federal Constitution. Such appointments shall include the assignment of responsibility for such business of the Government of the State, as the Prime Minister may propose, including the implementation of policy by the appropriate department of Government.

(5). Responsibility for legal matters, which expression shall, without prejudice to its generality, include initiation, conduct and discontinuance of civil and criminal procedures, shall not be assigned to a Secretary of State but shall vest in the Attorney-General of the State.

Provided that the Prime Minister may authorize the Secretary of State to submit the questions relating to such matters to the Executive council or to conduct Government business relating to such matters in the house of Assembly.

Presiding in Executive Council

25. (1) The Prime Minister shall preside at meetings of the Executive Council.

(2) In the absence of the Prime Minister, there shall preside at any meeting of the Council the Senior Secretary of State present.

Exercise of Prime Minister's powers

26. (1) Where any matter is dependent on the decision of the Executive Council a decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

(2) A member of the Executive Council shall have an original vote in the Council and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

Council may act notwithstanding vacancies

27. The Executive council may act notwithstanding any vacancy among the members thereof or the absence of any members.

Exercise of Prime Minister's powers

28. The Prime Minister shall refer to the Executive Council in the formulation of policy and in the exercise of all powers conferred upon by this Constitution or any other law and except in the exercise of any power conferred upon the Prime Minister in respect of which it is provided by law, either expressly or by implication, that he shall not be obliged to consult with the Executive Council in the exercise thereof shall act in accordance with the advice of the Executive Council.

Leave of absence for the Secretaries of State, etc.

29. (1) The President, acting in his discretion may grant leave of absence from duties to the Prime Minister of the State.

(2) The Prime Minister, acting in his discretion, may grant leave of duties to a Secretary of State or to a Parliamentary Secretary to such a Secretary of State.

Parliamentary Secretaries

30.(1) The Prime Minister may appoint not more than five Parliamentary Secretaries from among the members of the House of Assembly to assist Secretaries of State in the performance of their duties.

(2) The office of the Parliamentary Secretary shall become vacant:

(a) If he ceases to be a member of the House of Assembly otherwise than by reason of a dissolution of the House.

(b) If the office of Prime Minister becomes vacant; or

(c) If the Prime Minister so directs.

Oaths to be taken by members of Executive Council

31. A member of the Executive Council shall not enter upon the duties of office unless he has taken and subscribed to the oath of allegiance and such oath for the due execution of his office as be prescribed by any law.

Permanent Secretaries

32. Where any Secretary of Government of the State has been charged with responsibility for any department of government, he shall exercise general direction and control over that department, and, subject to such direction and control, the department, shall be under the supervision of such member of the public service (who shall be styled a permanent secretary) as the Prime Minister, acting in his discretion, may select.

Constitution of offices

33. The Prime Minister may constitute offices for the State and, in accordance with the provisions of section 49 of this Constitution, make appointments to any such office and terminate any such appointment

CHAPTER IV

POLICE

Establishment of West Cameroon Police Force

34. (1) There shall be a police force for the State, which shall be styled the West Cameroon Police Force.

(2) The organization of the West Cameroon Police Force and its powers and duties shall be defined by written law.

Control of West Cameroon Police Force

35. (1) There shall be a Commissioner of Police whose office shall be an office in the Public service of the State.

(2) The West Cameroon police shall be under the command of the Commissioner of Police.

Directions to the Commissioner

36. Subject to the provisions of any written Law the Prime Minister or such other Secretary of State as may be authorized in that behalf by the Prime Minister may give to the Commissioner of Police such directions with respect to the maintaining and securing of public safety and public order as he may consider necessary and the Commissioner of Police shall comply with those directions or cause them to be complied with.

Establishment of West Cameroon Police Council

37. (1) There shall be a West Cameroon Police Council, which shall consist of a Chairman and such number of members as the Prime Minister may appoint.

(2) The Commissioner of Police of West Cameroon or such other officer of the West Cameroon Police Force as he may designate shall attend the meetings of the West Cameroon Police Council and, save for the purpose of voting, may take part in the Police Council.

Functions of West Cameroon Police Council

38. (1) The organization and administration of the West Cameroon Police Force and all other matters relating thereto (not being matters relating to the use and operational control of the force or the appointment, disciplinary control and dismissal of members of the force) shall be under the general supervision of the West Cameroon Police Council.

(2) The Prime Minister shall cause the West Cameroon Police Council to be kept full informed concerning the matters under its supervision and shall cause the Council to be furnished with such information as the Council may require with respect to any particular matter under its supervision.

(3) The West Cameroon Police Council may make recommendations to the Government of the State with respect to any matter under its supervision; and if in any case the Government acts otherwise than in accordance with any such recommendation and its reasons for acting otherwise than in accordance with that recommendation to be laid before the legislative House.

(4) Any regulations made under the provisions of this section shall be laid before the House of Assembly and the House of Chiefs at the next sitting of each House and until approved by each House shall not come into force.

CHAPTER 9

FINANCE

Establishment of Consolidated Revenue Fund

39. (1) All revenues or other monies raised or received by the State (not being revenues or other monies payable under any law into some other public fund of the State established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund.

(2) No monies shall be withdrawn from the Consolidated Revenue Fund of the State Unless:

(a) those monies are charged upon the Fund by this Constitution or any other law; or

(b) the issue of the monies has been authorized by an appropriation law or a law made in pursuance of section 45 of this Constitution.

(3) No monies shall be withdrawn from the Consolidated Revenue Fund or other public Funds of the State except in the manner prescribed by a law.

Authorization of expenditure from Consolidated Revenue Fund

40. (1) The Prime minister shall cause to be prepared and laid before the House of Assembly and the House of Chiefs in each financial year estimates of the next following year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund by this Constitution or any other law) shall be included in a bill, to be known as an appropriation bill, providing for the issue from the consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purpose specified therein.

(3) If in respect of any financial year it is found:

- (a) that the amount appropriated by the appropriation law for any purpose is insufficient or that a need has arisen for expenditure for the purpose for which no amount has been appropriated by the law; or
- (b) that any monies have been expected for any purpose in excess of the amount (if any) appropriated for the purpose by the appropriation law, a supplementary estimate showing the sum required or spent shall be laid before the House of Assembly and the heads of such expenditure shall be included in a supplementary appropriation bill.

Authorization of expenditure in advance of expropriation

41. A law may make provision under which if the appropriation law in respect of any financial year has not come into operation by the beginning of that financial year, the Prime Minister, acting in his discretion, may authorize the withdrawal of monies from the Consolidated Revenue Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of that financial year or the coming into operation of the appropriation law, whichever is the earlier.

Contingencies Fund

42. (1) A law may provide for the establishment of a Contingencies Fund and for authorizing the Prime Minister, acting in his discretion, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

(2) Where any advance is made in accordance with subsection (1) of this section a supplementary estimate shall be presented and a supplementary appropriation bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

Remuneration out of public accounts

43. (1) There shall be paid to the holders of the offices to which this section applies such salary as may be prescribed by any law.

(2) The salary and allowance payable to the holders of those office to which this section applies shall be a charge on the Consolidated Revenue of the State.

(3) The salary payable to any holder of an office to which this section applies and his terms of office other than allowance shall not be altered to his disadvantage after his appointment.

(4) This section applies to the offices of Chief justice, judges of the High Court, the Director of Audit of the State and members of the Public Service Commission.

Audit of public accounts

44. (1) There shall be a Director of Audit for the State, whose office shall be an office in the public service.

(2) The public accounts of the State and of all officers, courts and authorities of the State shall be audited and reported on by the Director of Audit of the State and for that purpose the Director or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The Director of Audit of the State shall submit his reports to the Prime Minister, who shall cause them to be laid before the House of Assembly and the House of Chiefs.

(4) In the exercise of his functions under this Constitution the Director of Audit of the State shall not be subject to the direction or control of any other person or authority.

Public debt

45. (1) The public debt of the State shall be secured upon the revenues and assets of the State. (2) In this section references to the public debt of the State include references to the interests on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

CHAPTER VI

THE PUBLIC SERVICE OF THE STATE

Establishment of Public Service Commission

46. (1) There shall be a Public Service Commission for the State, which shall consist of a chairman and such number of other members as may be prescribed by regulations made under section 47 of this Constitution.

(2) The members of the Public Service Commission shall be appointed by the Prime Minister, who may terminate the appointment of any member and subject to the provisions of this Constitution the members shall hold office on such terms and conditions as may be prescribed by regulations made under section 47 of this Constitution.

(3) An elected member or special member of the House of Assembly or any person actively engaged in party politics shall not be qualified to hold the office of member of the Public Service Commission.

Regulations regarding Public Service Commission

47. Subject to the provisions of this Constitution, the Prime Minister may make regulations for giving effect to the provisions of this Chapter

and in particular and without prejudice to the generality of the forgoing power may by such regulations make provisions for any of the following matters, that is to say:

- (a) the membership of the Public Service Commission;
- (b) the appointment, tenure of office and terms of service of members of the Commission;
- (d) consultation by the Commission with persons other than members;
- (e) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions.

Appointment to offices in public service

48. (1) Subject to the provisions of this Constitution, power to appoint persons to hold or act in offices in the public service of the State (including power to make appointments on promotion and transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Prime Minister.

(2) The Prime Minister may delegate to any officer in the public service any of the powers conferred on the Prime Minister by subsection (1) of this section.

Public Service Commission to advise Prime Minister

49. (1) The Prime Minister shall refer to the Public Service Commission for their advice on every matter relating to the appointment of any person to an office in the Public service, or the dismissal, or disciplinary control of officers in the public service or any other matter that affects the public service.

(2) It shall be the duty of the Public Service Commission to advise the Prime Minister on any question that he refers to it in accordance with the provisions of this section but the Prime Minister shall not be obliged to act in accordance with the advice given to him by the Commission.

Commission to advise other officers

50. (1) The Prime Minister may require any officer to whom he delegates any power under section 48 (2) of this Constitution to refer to the Public Service Commission for their advice, on such conditions as the Prime Minister may prescribe, any matter relating to the exercise of that power.

(2) It shall be the duty of the Public Service Commission to advise any officer on any question he refers to it in accordance with the provisions of this section and in any case in which he is required by the Prime Minister to refer any matter to the Commission for their advice that officer shall act in accordance with the advice given to him by the Commission unless the Prime Minister authorizes him to act otherwise.

CHAPTER VII

MISCELLANEOUS

Resignations

51. Any person who is appointed, elected or otherwise selected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected:

Provided that in a case of a member of the House of Assembly the resignation shall, unless otherwise provided by Federal law, be addressed to and delivered by him personally to Speaker and in the case of a member of the House of Chiefs it shall be addressed to the President of that House.

Re-appointments, etc.

52. (1) Where any person has vacated any office constituted by this Constitution, he may, if qualified, again be appointed, selected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

(2) Whereby this Constitution a power is conferred upon any person or authority to make any appointment to any office in the public service, a person may be appointed to that office notwithstanding that some other person is on leave of absence pending relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

Existing laws

53. (1) Subject to the provisions of this section, the existing laws shall have effect after the commencement of this Constitution and shall be read and construed with such modifications, adoptions, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

(2) The Prime Minister may by order make such amendments to any existing law as may appear to be necessary or expedient for bringing that law into conformity with the provisions of this Constitution or otherwise for giving effect or enabling effect to be given to those provisions.

(3) The provisions of this section shall be without prejudice to any power conferred by this Constitution upon any person or authority to make provisions for any matter including the amendment or repeal of any existing law.

(4) For the purpose of this section “the existing laws” means all Ordinances, laws, Proclamations, rules, regulations, orders, and others instruments having the effect of law made or having effect as part of the law of the State immediately before the first day of October, 1961.

Existing offices and authorities

54. (1) Subject to the provisions of this Section, all offices and authorities established and existing immediately before the first day of October, 1961 shall, so far as is consistent with the provisions of this and the Federal Constitution, continue after commencement of this Constitutions if they were offices and authorities established under this Constitution; and all person who immediately before the commencement of this Constitution are holding or acting in established offices or are members of the established authorities shall, so far as is consistent with the provisions of this Constitution, continue in office as if they had been appointed, selected or otherwise selected thereto under this Constitution and to have taken any oaths necessary under this Constitution:

Provided that:

(a) any member of any authority who have been required to vacate his office at the expiration of any period prescribed shall vacate his office accordingly; and

(b) the House of Assembly shall, unless sooner dissolved, stand dissolved on the date on which the House of Assembly of the State would have been required to be dissolved.

(2) The provisions of the section shall be without prejudice to any powers conferred by this Constitution upon any person or authority to make provisions for any matter, including the establishment and abolition of offices and authorities and appointment, election or selection of persons to hold or act in any office or to be members of any court or authority and their removal from office.

Official language

55. The official language of the State shall be the English language.

Amendment of Constitution

56. (1) Subject to the provisions of subsection (2) of this section, the Legislature may alter any of the provisions of this Constitution.

(2) A bill for a law under this section, in so far as it alters any of the provisions of this section, sections 1, 5, 6, 9, 17, 28, 34, 35, 36, 37, 38, 46, 47, 48, 49, and 50 shall not be passed in either Legislative House unless it has been supported on second and third readings by the votes of not less than two-thirds of all the members of that House.

Interpretation

57. (1) In this Constitution, unless it is otherwise expressly provided or required by the context:

“the Federation” means the Federal Republic of Cameroon;

“financial year” means any period of twelve months beginning on the first day of April in any year or such other date as may be prescribed by law;

“the House of Chiefs” means the House of Chiefs of the State as continued under section 9 of this Constitution;

“oath” includes affirmation;

“the oath of allegiance” means the oath of allegiance set out in the First Schedule to this Constitution;

“the President” means the President of the Federal Republic of Cameroon;

“the Prime Minister” means the Prime Minister of the State;

“the Public Service” means the service of the state in a civil capacity in respect of the government of the State;

“the Public Service Commission” means the Public Service Commission of the State established under section 46 of this Constitution;

“a State” means any Federated State of the Federation;

“the State” means the Federated State of West Cameroon and

“West Cameron” means the territory that immediately before the first day of October, 1961, was known as the Southern Cameroons.

(2) In this Constitution, unless it is otherwise expressly provided or required by the context:

(a) references to persons holding offices in the public service include references to persons acting in those offices; and

(b) references to offices in the public service include references to offices of a judge of the High Court and references to the offices of members of all other courts established by any law, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or any other public fund of the State.

(3) For the purpose of this Constitution the office of Secretary of State, a Parliamentary Secretary to such a Secretary of State, or a member of the Public Service Commission shall not be regarded as offices in the public service.

Transitional provisions

58. (1) The provisions of section 6 of this Constitution shall not come into operation until immediately after the next dissolution of the House of Assembly after the coming into force of this Constitution and until such time the House of Assembly of West Cameroon as constituted immediately before the coming into force of this Constitution is maintained.

(2) The provisions of sections 16 and 17 of this Constitution shall come into force on the publication of this Constitution in the Gazette, and until that time the mode of exercising legislative powers shall be as heretofore.

SCHEDULE

(Section 2)

OATH OR AFFIRMATION OF ALLEGIANCE

I,, do swear (or solemnly declare and affirm) that I will be faithful and bear true allegiance to
the people of the Federal Republic of Cameroon and
particularly to
the people of the Federated State of West Cameroon
(so help me God).

OATH OR AFFIRMATION OF OFFICE OF THE PRIME

MINISTER AND HEAD OF GOVERNMENT OF THE
FEDERATED STATE OF WEST CAMEROON

I,, do swear (or solemnly declare and
affirm) that I will well and truly serve the people of West
Cameroon in the office of Prime Minister and Head of
Government
of the Federated State of West Cameroon and that I will
observe
the Constitutions of the Federal Republic of Cameroon
and of the
Federated State of West Cameroon (so help me God).

Chapter 10

Declassified Secret Files 1952, 1959

Confidential Memo No. 5 from the British Consulate-General, Brazzaville, French Equatorial Africa, 24th January 1952: F.O. 371/10/390 TNA- PRO.

In fact we have deliberately accepted the possibility of embarrassment from the unification movement as part of the price to be paid for our success, during the review of the constitution, in restraining Cameroons nationalist demands in the interest of the over-riding policy of consolidating three strong regions in Nigeria. ...

The British view is that in the particular circumstances of the British Cameroons the progressive development of the inhabitants towards self-government or independence must appropriately be promoted in association with the socially advanced protectorate of Nigeria. The British delegation has impressed this view with consistent firmness and frankness upon the Trusteeship Council and the Council has been obliged to accept it, grudgingly, but with an increasing appreciation of its logic, albeit qualified by a natural and legitimate anxiety that our policy should be accompanied by adequate measures to preserve the identity of the Trust Territory.

So far, although in the Southern Cameroons there has been consistent and unanimous dislike of inclusion in the eastern region there has been no significant expression of popular opposition to integration with Nigeria. In the interests of the trusteeship population as a whole, therefore, it seems inescapable that the Administering Authority must continue to treat the population of the British trust territory as an entity and the unification movement as an unacceptable minority movement and must insist on preserving the status quo in the frontier. ...

The attitude of the literate element in the south of the Cameroons appears to have passed through the following stages; in June 1949 they were anxious for close union with the Northern Cameroons in order jointly to achieve regional status; the prospects of union with the French Cameroons was mentioned but not seriously considered. When the United Nations visiting mission arrived in November 1949 they were still asking for regional status in conjunction with the Northern Cameroons; unification with the French Cameroons was put forward as an ultimate, but not an

immediate aim. In 1950 their demands for regional status were limited to the area of the Southern Cameroons, the Northern trust territory no longer mentioned. Today they appear to be averse to any connection with the Northern Cameroons. They wish the Southern Cameroons to become a region, disposing, to the exclusion of the northern half of the territory, of the whole of the profits of the Cameroons Development Corporation and the whole of the revenue derived from the activities of the Corporation and the other concerns of the Cameroons province. And they regard unification with the French Cameroons as an aim to be actively pursued now. The young literates have no liking for French Administration which they regard as restrictive of liberty and hostile to African Trusteeship, in trust territory. They are astonished by the fact that the visiting mission of 1949 commended the existence of freedom of expression in the French Cameroons in the same terms as those used in the British Cameroons. Regarding Nigeria constitutional development they are afraid of falling under the domination of Nigeria politicians who, they believe, are obtaining power before they are fitted to use it.

Note

As far back as the early 1950s then, the British Government had come to the settled conclusion that the progressive development of the inhabitants of the Southern Cameroons towards self-government or independence had to be promoted in association with “the socially advanced protectorate of Nigeria.” Acting in violation of the UN Charter and the Trusteeship Agreement, the British Government decided that the territory had to be integrated with Nigeria. The UN ‘grudgingly’ accepted Britain’s “consistent firmness and frankness” on this matter. In other words, there was common ground between the British Government and the UN that there could be no question of independence for the Southern Cameroons. This attitude of the British Government never changed, for it applied itself assiduously to the ‘all-important’ task of making sure the Southern Cameroons did not accede to sovereign statehood.

General Assembly Resolution 1352 (XIV): The Future of the Trust Territory of the Cameroons under United Kingdom Administration – Organisation of the Plebiscite in the Southern Part of the Territory

The General Assembly

Recalling its resolution 1350 (XIII) of 13th March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration, which expressed the hope that all concerned in the Territory would endeavour to reach agreement before the opening of the fourteenth session of the General Assembly on the alternatives to be put in the plebiscite in the Southern Cameroons and qualifications for voting in it.

Noting the statement made by the representative of the Administering Authority, by the Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly to the effect that no agreement was reached before the fourteenth session of the General Assembly as to the alternatives to be put in the plebiscite and the qualifications for voting in it, and that a postponement of the plebiscite in the Southern Cameroons to a later date would help to establish more favourable conditions for ascertaining the freely expressed wishes of the population.

Noting the opinions expressed during the debate on this question at the fourteenth session of the General Assembly,

Noting the statement made by the Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly at the 898th meeting of the Fourth Committee, on 7 October 1959,

1. *Decides* that the arrangements for the plebiscite referred to in General Assembly resolution 1350 (XIII) shall begin on 30 September 1960, and that the plebiscite shall be concluded not later than March 1961;
2. *Recommends* that the two questions to be put at the plebiscite should be:
“(a) Do you wish to achieve independence by joining the independent Federation of Nigeria?”
“(b) Do you wish to achieve independence by joining the independent Republic of the Cameroons?”
3. *Recommends* that only persons born in the Southern Cameroons or one of whose parents was born in the Southern Cameroons should vote in the plebiscite.

Note

This Resolution was adopted at the 14th Session of the General Assembly, 1959 under Agenda Item 41. The meetings of the 14th Session of the Fourth Committee referred to in the text are the 885th to 899th and 901st to 903rd meetings. This Resolution confirmed the earlier Resolution 1350

(XIII) recognizing and establishing the Southern Cameroons as a unit of self-determination. In the *Northern Cameroons Case* the International Court of Justice also proceeded on the reasoning that the Northern British Cameroons and the Southern British Cameroons were separate and distinct units of self-determination.

AGREED STATEMENT BY MR. J.N. FONCHA, PREMIER OF THE SOUTHERN CAMEROONS, AND MR. E.M.L. ENDELEY, LEADER OF THE OPPOSITION IN THE SOUTHERN CAMEROONS HOUSE OF ASSEMBLY

Coming back to the United Nations after six months, we, the elected leaders of the government and political parties in the Southern Cameroons House of Assembly, have been greatly encouraged, as we were at the thirteenth session, by the friendly interest of delegations and their concern for the welfare of our people. We for our part are anxious, by reaching agreement among ourselves as to the next step to be taken, to help the work of the Fourth Committee and still more important to promote the future wellbeing of our people.

We have had the advantage of discussions with the representatives of African Member States in the United Nations, whose sympathy and help we greatly appreciate, and with our colleagues in the United Kingdom delegation, who share with us the task of interpreting to the United Nations the wishes and aspirations of the people of the Southern Cameroons.

We are, both of us, of course anxious that the Southern Cameroons should attain independence as early as circumstances permit in the form most suitable to its circumstances and the wishes of the people. But, since the parties represented in the House of Assembly were not able to agree during recent discussion in the Southern Cameroons on the arrangements for a plebiscite in 1960, we think that it would be wiser to defer consultation with the people for the time being.

Subject therefore to the agreement of the General Assembly, we are agreed as follows:

- (1) There should be no plebiscite in the Southern Cameroons in 1960.
- (2) Pending settlement of its future the Southern Cameroons should continue to be administered under the present Trusteeship

Agreement, but separately from Nigeria. We understand that the United Kingdom Government would be prepared to continue to administer it on this basis.

- (3) The separation of the administration of the Southern Cameroons from that of the Federation of Nigeria should be completed no later than the date on which the Federation of Nigeria becomes independent.
- (4) The Administering Authority, in consultation with the Government and Legislature of the Southern Cameroons, should take steps to complete the separation of the administration of the Southern Cameroons from that of the Federation of Nigeria not later than 1 October 1960, the date on which the Federation of Nigeria becomes independent.
- (5) The Administering Authority in co-operation with the Government and people of the Southern Cameroons, should work towards the achievement of the objectives of the Trusteeship System in accordance with Article 76 b of the United Nations Charter.
- (6) In light of the above we suggest that the General Assembly should decide to consider this question not later than its sixteenth session with a view to ascertaining the wishes of the people of the Territory in 1962 as to their future.
- (7) We would be agreeable if the General Assembly should recommend that, in agreement with the Administering Authority, the Trusteeship Agreement should be terminated not later than 26 October 1962, in accordance with Article 76 of the United Nations Charter.

Note

The source of this agreed statement is UN Doc. A/C.4/414, GAOR, 14th Session, 199, Annexes, Agenda Item 41. Why did the UN refuse to defer the plebiscite to 1962 as requested by the political leaders of the Southern Cameroons?

The United States of America
Department of State,
Washington.

May 11, 1959

Despatch No. 440 from Lagos.
Doc. No. 751U.00/5 – 1159

Visit to the Southern Cameroons

Summary

The Southern Cameroons is far more important in the context of fast-moving African events than its population of 750,000 and area of 16,581 square miles indicate. The state of uncertainty as to the territory's political future, which will prevail until the plebiscite next year, acts as a brake to progress, business and government. At the same time the uncertainty and the activities of the opposing political parties intensify the historical tensions, which have long existed among the territory's multifarious tribes and linguistic groups. Development in the French Cameroun, particularly its achievement of independence on January 1, 1960, will produce very important political effects in the British Cameroons. The territory is a frontier, exposed as no region of Nigeria is exposed, to Communist-inspired influences, which can become a danger of serious magnitude. This reason, not to speak of its great potentialities, makes the Southern Cameroons an area of serious concern to the United States.

Government in the Southern Cameroons at the present time is affected both in policy and daily operation by the uncertainty over the political future of the territory, which will necessarily prevail until the United Nations Plebiscite is held during the dry season next year, between January and April 1960. Permanent Government officials face a multitude of complex problems which cannot be resolved in the present in which the territory's relationship to Nigeria is no longer certain and its future relationship, if any, to the French Cameroun, is a problem whose modus operandi and implications no one has yet thought through. Government officials are irritated at the attitude of the Federal Government of Nigeria which has made it be clearly known that the Southern Cameroons may expect short shrift from it in view of Foncha government's ungrateful desire for secession. These Officials believe a more tolerant attitude on the part of the Federal Government would be wise in the circumstances in not further alienating Cameroonians who have so far found no great attraction in Nigeria in any case. The recent decision of the Federal Government to institute no new projects in the Southern Cameroons in addition to the natural and expected reluctance of outside agencies to

commit themselves to loans and assistance emphasizes the unsatisfactory nature of the present [words lost] situation. The present Government made up of almost totally inexperienced and naïve ex-primary school teachers with good intentions, is incapable of grappling with the tremendous problems which face it.

It takes no more than a few days in the Cameroons to impress one with the tribal and historical complexities of the area, which determine its future far more than the exercise of western forms of parliamentary democracy. An anthropologist is required to sort out the motivations, which will affect decisions of momentous importance to the country and to Africa. The divisions among the people are many. There are 48 principal languages spoken in the territory, in addition to numerous minor linguistic groupings. Grassland people of the North are divided among Forestland people of the South. Ancient tribal feuds persist; there are memories of past power and glory of the ancestors of the Sultan of Fomban, on the French side; the Bansa people are proud that they stopped the Fulani invader. There are religious divisions. Foncha's Party, the KNDP, is largely Roman Catholic; most leaders of the KNC are Protestants. A far more serious division results from hatred of the Ibo. To many, Ibos and Nigerians are synonymous; union with Nigeria means Ibo domination. Ibos persist as successful traders; in many areas they suffer severe discrimination and restrictions. In other districts fear of the Ibo has been developed and magnified by politicians for their own purposes. Divisions among tribes, local enmities, individual rivalries, the power of local leaders, and the position of the natural rulers (Fons and Chiefs) count far more in decisions to be made in elections or plebiscites than party platforms or real issues.

The basic issue on which the two political parties are diametrically opposed is the phrasing of the questions to be posed at the plebiscite. The party in power, the KNDP, wants a simple vote on secession from Nigeria: yes or no. The Opposition, the KNC-KPP, insist that the "two extremes" be put to vote; union with Nigeria or union with the French Cameroun. The reasons for each are clear. The KNDP, with considerable justification, believes that the vote for secession would be decisive. Foncha confidently states that 90 per cent of the people would favour secession and unification. An American missionary who has lived 25 years in the territory estimates that the plebiscite would show a majority of 60 per cent favouring secession from Nigeria. On the other hand, Dr. Endeley and his supporters believe that there is enough fear of domination by the French side that a choice between Nigeria and French Cameroun would go to the former. They admit that will likely lose if the question is restricted to secession from Nigeria.

The position of the two opposing parties, on the basis of conversations with Premier Foncha and two of his ministers, Mr. Muna and Mr. Jua, and with Dr. Endeley of KNC and Mr. Mbile of KPP, may be summarized as follows:

KNDP leaders list a number of reasons for secession from Nigeria. They recall their experience as part of Eastern Region where they could not make their voice heard and say they would be lost as a tiny minority in the Nigerian Federation. Mr. Muna expressed a lack of confidence in the future of Nigeria as a united Federation. He fear the Southern Cameroons could lose even its regional status in the Federation and be reduced to a “special area.” Eight seats in the Federal House of Representatives mean nothing. No Cameroonian could ever hope to be Prime Minister of the Federation. The identity of Cameroonians would be lost. Only Premier Foncha described the pull of French Cameroun. He said Cameroonian ties, racial and tribal, were all with the French side. He said deliberately that the reason for secession was not so much that Nigeria had been unfair to the Southern Cameroons but that the unification was the desire of the people and a natural development.

The Premier and his associates are quick to point out that unification should not take place immediately. They envisage a period of Trusteeship under the United Kingdom and a subsequent federal relationship with the French Cameroun. Premier Foncha said that Premier Ahidjo had agreed to the formation of a federation between the two countries; the French Cameroun could belong to the French Community while the British Cameroons retained membership in the British Commonwealth. Mr. Muna described the sequence in somewhat different words. He said that the plebiscite would decide secession from Nigeria. The Southern Cameroons would then be “independent” and could work out its relationship with French Cameroun at that time.

Neither Foncha nor Muna evinced much concern over threat of the UPC, its followers or Communism. Both denounce the UPC as an “extremist” group but were confident that Ahidjo would remain firm in his opposition to it and would succeed in controlling the situation after independence on January 1, 1960.

Dr. Endeley and Mr. Mbile were categorical in stating that they would never accept the formulation of the plebiscite question as proposed by the KNDP: secession only. The argued that since KNDP wanted eventual unification, it was dishonest to mask this objective by omitting it from

the question. They conceded that there is much sentiment for not associating with Nigeria but believed their party's position has a good chance of winning if the alternative of joining the French side is posed to the plebiscite voters. Dr. Endeley lamented the lack of understanding of issues among the people and said that although the peoples of the Cameroons would not be prepared for at least five to ten years to decide the issue of their political future; such a period of education was essential. In the meantime the politicians are confusing the issues and making the situation more difficult. He described the "Ibo issue" as one exploited solely for political purposes and without substance. (This reporting officer was told by others that Dr. Endeley himself was originally responsible for introducing the "Ibo issue" in political campaigns.)

Mbile discoursed at some length on his thesis that the British Cameroons must escape the threat posed both from the East and the West, namely from Nigeria and French Cameroun. Unless the territory joins Nigeria as a region, Mbile fears that the Nigerian Federation after independence will develop territorial ambitions and will invade and conquer the small, helpless territory of the Cameroons. In this day and age, according to Mbile, a tiny political unit cannot survive alone. As a region of Nigeria, the Southern Cameroons can work out its destiny. On the other hand, should it become part of the French Cameroun, it would be swallowed by the latter. Mbile's idea, which appears highly unrealistic to say the least, is that the British Cameroons should become the fourth Region of Nigeria and the French Cameroun should then join the Federation as a fifth Region! Both Dr. Endeley and Mr. Mbile stress the communist danger. They described the alarming number of UPC of One Kamerun followers active on both sides of the boundary. They believed that with the certain return of Dr. Moumie and company to the French Cameroun after independence, Ahidjo's position would be seriously threatened and the fall of his government likely when new elections are held. This situation will seriously affect events on the British side.

Surprisingly, the Northern Cameroons entered rarely into conversations. A few KNDP supporters did, however, express the opinion that considerable sentiment existed there for unification in spite of the generally accepted view to the contrary. The reporting officer was told by a Cameroonian business man in Kumba, who has extensive land and commercial interests in both French Cameroun and the Southern Cameroons, that emissaries from the Northern Cameroons were coming to the South to discuss unification. A dispatch in the Lagos *Daily Times* of May 5, 1959 reported the formation of a new political party, the Northern

Cameroons Democratic Party, with the stated aim of fighting for the secession of the Northern Trust Territory from the Federation of Nigeria. The leader of the party, one Mallam Ibrahim Abba, is said to have told the *Daily Times*' Kaduna correspondent that the party was considering sending a delegation to Premier Foncha to consult on coordination and formation of an alliance. This is probably the source of the report mentioned by the Kumba business man.

Conclusions:

One is hesitant to draw conclusions after a week's visit to a territory with as many complexities as the Southern Cameroons. Some impressions may be justified. Tensions already present in the territory are aggravated by the political struggle, which will continue to intensify until the plebiscite is held. Most observers feel that in spite of the small size of the majority obtained by the KNDP in the last elections, sentiment in the country is predominantly in favour of secession from Nigeria. The Commissioner, for example, feels that even if the phrasing of the questions proposed by the KNC-KPP is accepted, the chances of a vote in favour of joining the French Cameroun instead of Nigeria are good and Dr. Endeley and his supporters might well be hoisted with their own petard. It is true that the motivation is more a negative one, against union with Nigeria and against Ibo domination, than a positive attraction to the French side. Nevertheless, the German period of a united Kamerun is not forgotten. A pamphlet supporting the unification cause points out that all Cameroonian political parties use the "K" for Kamerun (KNDP, KNC, KPP, OK) which symbolizes unification and return to the days of a unified Kamerun. (Aloys J. Tellen, *The Kamerunian Bedside Catechism*, October 3, 1958, printed at the Starlight Press, P.O. Box 577, Ibadan) Furthermore, contrasting visible signs of economic progress on the French side are not lost on Cameroonians. In the rainy season the only road communications between the Northern and the Southern parts of the territory are via the French side. To see a railway and a locomotive a Cameroonian must cross the French border. This feeling of economic inferiority applies also to Nigeria. The same pamphlet quoted above states that each Region of Nigeria "seems to be ahead of the Cameroons by at least fifty years of concentrated development." A "Cameroonian" or "Kamerunian" strongly resents being called a "Nigerian". Certainly, the British and Nigerian governments have failed if they have tried to capture the loyalty of Cameroonians for Nigeria. There is resentment at being treated as a neglected step-child and sense of individuality and independence.

In view of the present attitudes, it is hard to conceive of an arrangement being reached by the parties on the phrasing of the questions to be posed at the plebiscite. This problem will face the United Nations General Assembly at its next session. Whether the result of the plebiscite is a simple decision not to join Nigeria or whether it is one to unify with the French Cameroun, the future of the British Trust Territory will still remain to be determined. A period of U.K. Trusteeship will provide time for negotiations between the two territories and perhaps more leisurely arrival at some understanding. Such a period would probably not hasten economic development; the Colonial Secretary's words that the U.K. trusteeship would not mean the "Golden Key to the Bank of England" are recalled. In any case, much will depend upon the progress of events in the French Cameroun after the territory becomes independent on January 1, 1960. New elections and a change of government there would present the government of Mr. Foncha with a new situation. Negotiations with the newly independent Cameroun might break down for a variety of reasons. If this could occur, rather than continue indefinitely under an uneasy and grudging U.K. trusteeship, the Southern Cameroons might well seek independence and thus still another new African state would emerge.

The contemplation of these unfolding developments might be more than interesting political exercise were not the geography and the forces at work so significant. No part in Nigerian is in such a vulnerable position as the Southern Cameroons. No region is subject to the variety of tensions and outside influence, particularly communist, as is the Southern Cameroons. Moumie's recent association with Sekou Toure and Nkrumah in Guinea presage activities in the two Cameroons. Surely the communist forces awakened to the importance of Africa must eye the area of the Cameroons with the same intense interest they have displayed in Guinea. No such opportunities exist in Nigeria now. They do in the Cameroons.

Leadership in the Southern Cameroons is inexperienced, untrained and naïve. Politicians are invariably school teachers but few have had secondary education themselves. Most of them are products of mission schools in the Cameroons; few have done more than make brief visits even to Great Britain. Except for Dr. Endeley and Premier Foncha who have attended United Nations sessions, no leading political figure is known to have travelled or studied in the United States. Compared to Nigerians, who themselves are lacking in experience and education in the world at large, the Cameroonians are far less advanced, to say the least.

The logical conclusion would seem to be that the Southern Cameroons, with its remoteness from Lagos, its complexities, and its vulnerability, deserves increase attention on the part of the United States. Recommendations will be the subject of separate despatches.

[Signed] John K. Emmerson
American Consul General

NV.10(B)

SECRET AND PERSONAL

Brief for the Secretary of State

THE SOUTHERN CAMEROONS PLEBISCITE

The resumed session of the United Nations General Assembly held in February-March adopted a resolution deciding that there should be a plebiscite in the Southern Cameroons in the next dry season i.e. between the beginning of December 1959 and the end of April, 1960; and that the choices to be put before the people should be settled by the General Assembly at the regular autumn session in 1959. The Assembly resolution enjoined "all concerned in the territory" to try and reach agreement on this matter before the autumn session.

2. Broadly speaking the two possible alternatives to association with Nigeria (which must obviously be one choice in the plebiscite) remain: (a) a continued period of trusteeship under British administration, and (b) association with the French Cameroons (which is due to become independent on 1st January, 1960). Either of these two choices could be formulated in a number of different ways. The present signs are that Southern Cameroons Ministers are hardening in favour of continued trusteeship, and are opposed to any immediate attempt at unification; and as they become immersed in the business of governing the territory, this process may continue. They are probably becoming more aware of the immense practical difficulties which stand in the way of unification with the French Cameroons and may seek to hold the Secretary of State to his undertaking at the 1957 Nigerian Conference that continued trusteeship would be one of the options for the Southern Cameroons. Dr. Endeley, on the other hand, so far as is known, still favours a plebiscite on a choice between association with Nigeria, and unification with the

French Cameroons. The main reason for this would be the tactical one that the alternative of joining the French Cameroons would give him the softest target to hit and so the best chance of winning a majority for association with Nigeria.

3. Our first objective should now be to foster agreement between Mr. Foncha and Dr. Endeley and their parties on the choices for the plebiscite and on the franchise. We must at least be in a position to say at the next session of the Assembly that we have made one attempt to get agreement, particularly in view of the Assembly's very reasonable request that "all concerned in the territory" should try and agree. It will also greatly simplify our problem at the next Assembly if the Government and Opposition in the Southern Cameroons have reached a common mind on the terms of the plebiscite. More important, it is very desirable to avoid a situation in which the plebiscite has to be organized with one party objecting to the questions themselves and therefore probably also challenging the results afterwards. The U.K. should not, therefore, at this stage work for acceptance of any particular question but for agreement between the leaders on whatever questions they both are prepared to accept. It is recommended that the Secretary of State should approach the two leaders in this "honest Broker" attitude, drawing attention to the U.N. resolution, stressing the importance of agreement and making it clear that the U.K. is not out to get any particular solution adopted.

4. The United Nations will also no doubt expect some discussion to take place between Mr. Foncha and Mr. Ahidjo, the Premier of the French Cameroons, before the next session, to clarify the terms on which the French Cameroons might be prepared to invite the Southern Cameroons to unite with them. The U.N. resolution did not call for such talks, unification with the French Cameroons has always been regarded, particularly in the U.N. as one of the main courses open for the territory, and of the three possible courses it is the one about which least is known. Last February the Assembly agreed to postpone a decision about a plebiscite because the situation was not clear and they will naturally expect that before it meets again every reasonable attempt will have been made to get a full picture so that the problem can be considered in all its aspects. The U.K. should at least be in a position to say that we have suggested to Mr. Foncha that he should talk to Mr. Ahidjo. If Mr. Foncha refuses, there is little we can do and such intransigence on his part might even improve his chances of getting continued trusteeship as an option since he appears anxious to avoid a plebiscite on unification with the French Cameroons. He may be reluctant to make it appear that he is taking the possibility of

early unification seriously by talking to M. Ahidjo, but we should try to persuade him at least to enquire of M. Ahidjo what his terms would be, which he could do without entering into negotiations. If necessary this could even be done by correspondence, but a meeting (about which we ought first to approach Paris) would be preferable. If M. Ahidjo refuses to talk or offers terms which are clearly unacceptable, this would improve Mr. Foncha's chances of getting continued trusteeship accepted in the U.N. Another possibility is that M. Ahidjo might agree with Mr. Foncha that the time was not ripe to consider unification. This would greatly strengthen the chances of getting continued trusteeship accepted in New York (West Africa recently reported that Mr. Foncha was visiting Yaounde on 10th May as a guest of some celebrations organized by the Government there and it is reasonable that M. Ahidjo and Mr. Foncha may have talked about this matter then.)

5. If, as seems likely, Mr. Foncha replies to all this that he wants a continued period of trusteeship and asks the Secretary of State if he stands by the undertaking he gave at the 1957 Nigerian Constitutional Conference that this would be one of the options for the people of the Southern Cameroons, the Secretary of State should say that this understanding was a statement of H.M.G.'s position and as such it stands, provided that people of the Southern Cameroons want continued trusteeship as a choice. As Mr. Foncha knows, however, the final solution of this problem is not a matter for H.M.G. alone but for agreement between H.M.G. as the Administering Authority and the U.N. General Assembly. It would be well to ensure that Mr. Foncha is under no illusion as to the difficulty of the course he proposes from the U.N. point of view. Continued trusteeship is only possible if the Trusteeship Agreement is amended to cover the Southern Cameroons only and to permit the territory to be administered separately from Nigeria. Such amendment would require a two-thirds majority in the General Assembly. It is by no means certain that we should succeed in getting this, even if the Southern Cameroons leaders were united in wanting a continued trusteeship. Mr. Foncha should also be asked to think about the long term implications of the [group of words undecipherable] process from the U.N. point of view. Continued trusteeship can only be a temporary solution; trusteeship by its very nature is a temporary status. The United Nations would probably only agree to it, if they agree at all, provided it was for a fixed period only. What would happen to the territory when trusteeship ended? If it then tried to unite with one of its neighbours negotiations might be difficult and the terms unfavourable; if the future of the Southern Cameroons lies in associating with one of its neighbours the best may be to get in at the beginning.

Independence is not, we gather, regarded by moderate opinion at the U.N. as a practical solution. The territory is no doubt thought to be too small and weak economically really to stand on its own in the modern world. While we could not say that independence is impossible for the Southern Cameroons it would be well to warn Mr. Foncha of the formidable difficulties which stand in the way. A small underdeveloped state, without great natural wealth, offers a poor market for external investment and the development and standard of living of the Southern Cameroons would probably mean that its government could exercise little external influence and would tend to become embroiled to its disadvantage in the disputes of its larger neighbours.

6. In asking Dr. Endeley to endeavour to reach agreement with Mr. Foncha on the choices to be put forward at a plebiscite it can be pointed out that as things stand at present his proposed alternative – unification with the French Cameroons – is not supported as a solution by either of the major parties in the territory and that this fact may well weigh with moderate opinion in the U.N.

7. It is unlikely that agreement between the leaders will emerge during the short period of the Secretary of State's visit. The best that can be hoped is that, as a result of it, discussions between them will lead to agreement before the Assembly meets in September. The sooner agreement can be reached the more time we shall have to explain the wishes of the Southern Cameroons to other governments with a view to getting their support in the U.N. Unless agreement can be reached the position at the General Assembly will be difficult for everyone concerned, with the possibility of an unfortunate outcome. The Secretary of State should therefore strongly urge an early effort to obtaining agreement and ask to be informed of its result.

8. It is recommended that with the exception of a warning on the subject of independence the Secretary of State should not at this stage get involved with either of the leaders in a debate on the merits (as distinct from the U.N. implication referred to in paras. 5 and 6) of any particular set of choices. On the one hand it would be embarrassing for H.M.G. to be in the position of trying to persuade the Southern Cameroons that continued British administration for a time should not be one of the choices before the people of the territory. On the other hand if we press Dr. Endeley hard to accept continued Trusteeship as a choice and he agrees to do so I is likely that he will come under equally strong pressure in New York to go back on this decision; he would then be in a position to make it appear that the U.N. had abandoned its impartial stand and had been trying to engineer things in such a way as to continue British rule in the territory.

9. The majority in the U.N. General Assembly has formed the opinion that the Cameroons is ready for self-determination and is looking forward to presiding over the extinction of colonial rule in one more part of Africa. If the two political leaders in the territory can agree as to the choices to be put before the people in the plebiscite the position will be greatly simplified. If (as seems quite likely) they will not agree, H.M.G.'s policy will require careful consideration both from the point of view of the real interest of the people of the Cameroons and from the point of view of tactics in the U.N. [It must be borne in mind that it may prove impossible to secure a two-thirds majority for any solution we consider reasonable although there is a good chance of mustering a "blocking third" to prevent the adoption of an altogether unreasonable solution. We should go as far as we reasonably can to get agreement in the Assembly but it may become necessary to lay for deadlock in this way. This might lead to one of a number of things, the most likely probably being a deferment of the whole issue until the 1960 Assembly, with the effect that trusteeship would continue *de facto* temporarily, the Southern Cameroons would have to be separated from Nigeria (without a plebiscite), and the uncertainty about the future of the territory would continue, no doubt to its economic disadvantage.]

10. The last U.N. Assembly resolution also called for an attempt at agreement on the qualifications for voters in the plebiscite and it is recommended that the Secretary of State should draw attention to this and say he hopes the leaders will agree. It is not suggested, however, that he should get involved in the details of this question which can be dealt with by the Commissioner of the Cameroons. The Northern plebiscite is being held on the basis of the Federal electoral register. In the South this would mean universal adult suffrage for British subjects or British protected persons ordinarily resident in the Southern Cameroons. Thus no French Cameroonian resident there could vote, but Nigerians could. Under the Southern Cameroons regulations (which governed last January elections there) there is universal adult suffrage for British subjects or British protected persons with one year's residence in the Southern Cameroons and for non-British subjects (i.e. French Camerounians) with ten years' residence. Mr. Foncha seems to want both Ibos and French Cameroonians excluded from a new register for the plebiscite. Dr. Endeley would apparently be content with the existing Southern Cameroons franchise, no doubt brought up to date for the plebiscite.

11. In this complex situation a step by step approach is necessary. As a first step we should make the U.N. position clear to both leaders and take the action which might reasonably be expected from us as the Administering Authority without committing ourselves to any final position.

12. The conclusion of this brief may be summarized as follows:

- (a) We should aim to get agreement between the Government and Opposition on the choices for the plebiscite and the qualifications for voters without ourselves advocating any particular solution;
- (b) Mr. Foncha should also be encouraged to make overtures to M. Ahidjo for a discussion with him;
- (c) If asked, the Secretary of state should say that the U.K. stands by the 1957 undertaking about continued trusteeship by emphasis that it would be difficult to get the necessary two-thirds majority in the U.N. for this solution and that continued trusteeship could only be a temporary solution; and draw Mr. Foncha's attention to the great difficulties which lie in the way of independence for the Southern Cameroons.

Colonial Office
12th May, 1959
HD. 142/181/01

**Notes of the Meeting with Mr. Foncha, Mr. Muna and
Mr. Ndoke on Tuesday, July 14, 1959, at Buea.**

The Premier began by giving me a warm welcome and I expressed my thanks for the confidence he and his Ministers had placed in me in choosing me for this assignment.

I said that although I had not yet come to any firm conclusions it was fairly obvious that the financial and organizational problems inherent in separation from the Federation would be formidable. The Ministers did not demur but made it clear throughout the conversation that they were firmly committed as a Party to secession and that they were resolved to face whatever difficulties there might be; indeed they expressed the hope that I would be able to point out a way of overcoming them. Mr. Muna likened me to a doctor who had to prescribe for the cure of any disease that might be disclosed. I did raise the question as to what would happen if in effect the disease were incurable but I did not press this point which was plainly outside the scope of their thinking. I stressed that they could rely upon my complete neutrality and that although I must be guided to my conclusions by the facts of the situation I certainly was not out to disprove the practicability of secession.

We discussed at some length the political background, in particular the problem of the plebiscite questions. They emphasised that they favoured the same type of questions as are being put in the Northern Cameroonian plebiscite. They did not want unification with the French Cameroons to be one of the questions and they contended that the Opposition's insistence on this being one of the questions was dictated solely by their desire to secure a majority for remaining in the Federation.

The Ministers explained to me that ethnically there was kinship with the French Cameroons and that gravitation was in the direction of the French Cameroons rather than Nigeria. Nevertheless, they did not wish to rush the matter of an association between the present British and French Cameroons. They agreed with a suggestion I made that if indeed that was favoured at some later stage in principle the details should be settled by some joint commission assisted by experts.

The Ministers stressed their view that they looked to H.M.G. as the Trusteeship Administering Authority to bring them to the stage of viable self-government as that was the purpose of the Trusteeship system. The arrangement by which the territory was administered by H.M.G. through the Government of Nigeria was clearly a temporary one and could not continue after the Federation of Nigeria had attained independence. They did not consider that the Southern Cameroons would be in a position to stand completely on its own or to associate itself with the French Cameroons by October 1960. Therefore, in their view there must be a period of continued British Trusteeship designed to bring the Southern Cameroons to a state readiness for self-government; it was at that stage that the Government of the Southern Cameroons could determine its own political future, whatever shape that future might be. If I were to make to take the form of 'unification' they want to be able to negotiate with the French Cameroons with confidence based on viability. On that point they made it clear that they were not attracted by the idea of joining the French Cameroons if the French Cameroons were a member of the French community.

It was clear from the discussion that one of the important reasons why there was a strong sentiment in favour of separation from the Federation was the fear of Ibo domination. I said that, so far as the inflow of Ibos into the territory was concerned and the consequent part they took in the commercial and general life of the community, that would go on whatever political changes took place unless of course the Southern Cameroons Government adopted the virtually unthinkable course of interfering with

the natural movement of people by immigration laws. The Ministers saw the point but said that in their view if Nigeria was without political power in the territory there would not be the same danger of being overwhelmed; in any case the Southern Cameroons Government could see to it that they did not fill the Government establishments.

Two points of substance were made directly bearing on my terms of reference. The Premier questioned whether 2% of general imports was the right figure for the Cameroons. He said that an immense volume of goods came by road from Eastern Nigeria and he thought that the percentage ought to be higher. I said that The Raisman Commission had based their 2% on a report by the Government Statistician and that really there was no means of assessing with complete assurance what the true Southern Cameroons revenue from general imports ought to be.

Mr. Muna expressed the hope that I would see those people in a position to speak with some authority on the economic development of the territory. It would be useful, he said, to know, for example, when the teas estate, opened up by the Estates and Agency Company Limited at Ndu, would come into bearing. Mr. Muna was obviously thinking of the expansion of revenues which might result from such developments and possibly cover the gap between revenue and expenditure which the taking over of Federal Services by the Southern Cameroons might cause.

At the conclusion of the talk I explained that I was at the service of the Ministers and that I hope that they would not hesitate to give me advice on any matters which might occur to them.

Note. These 'Notes' do not bear the name of its author. But it is clear that they were written by Sir Phillipson, hired by the British to undertake a study on the financial consequences of the separation of the Southern Cameroons from Nigeria. It is matter of huge disappointment that throughout the Southern Cameroons statehood question the British Government never for once adverted its mind to (i) the enforced administration of the territory as a mere appendage of Nigeria, (ii) the UK's international obligation under the Trusteeship Agreement and Article 76 b of the UN Charter, (iii) binding General Assembly resolution 1514 (XV) of 14 December 1960 – Declaration on the Granting of Independence to Colonial Countries and Peoples, and (iv) the overriding interest and welfare of the people of the Southern Cameroons.

Viability of the Southern Cameroons

Fourth Committee of the General Assembly – October 1959

In the Fourth Committee the following remarks were made on the above subject.

Mr. Foncha (Premier of the Southern Cameroons) “recognized that separation would entail economic hardship for some time to come”. (885th meeting)

Mr. Mbile (Deputy Leader of the Opposition in the Southern Cameroons) “said the Southern Cameroons could not achieve independence as a separate country because it was not economically viable”. (Same meeting)

Sir Andrew Cohen said (to the representative of Czechoslovakia who had asked for his personal opinion on the possibility of the Southern Cameroons becoming a viable economic entity, he replied) that the Southern Cameroons had a potential for considerable agricultural development; the realization of that potential however called for capital which was not available in the territory itself. Moreover if it became independent the Southern Cameroons would have to face serious financial difficulties particularly at the outset. That was one of the important considerations which leaders and people of the Southern Cameroons – and the administering authority so long as it retained responsibility – must take into account in considering a permanent solution.” (888th meeting)

At a later meeting “in reply to the second part of the Indian representative’s question, he said the territory would undoubtedly be faced with a formidable problem; he did not see how it could solve that problem from its own resources particularly in the early years. At present nearly all professional and technical posts and a large proportion of the more senior subordinate posts were filled by non-Cameroonians ...” “A few days previously in reply to a question by the representative of Czechoslovakia he had given his personal views regarding the viability of the Southern Cameroons as a separate economic unit and he would no repeat them. He would merely recall that he had said then that in his opinion an independent Southern Cameroons would have serious financial and economic problems; added difficulties concerning staff would make those problems even harder to solve.” (892nd meeting)

Others spoke on the same point.

Mr. Ntumazah (One Kamerun Party) said “the Southern Cameroons could not of itself constitute a viable economic unit.” (889th meeting)

Krishna Menon (India) said “he would also like the administering authority to indicate whether the present financial resources of the Southern Cameroons were such as to enable it to govern itself. An independent territory which is not economically self-sufficient might in a very short time find itself under foreign economic domination.” (890th meeting)

Espinosa (Mexico) said “no satisfactory definition had ever been given of the necessary prerequisite of an independent state but it was all too evident [Group of words illegible] a country was exposed when it attained independence [Group of words illegible] the requirements necessary to make it viable ... clearly formed a unit but after listening to the various statements that had been made his delegation had serious doubts whether it was capable of existing as an independent state”. (892nd meeting)

Edmond (New Zealand) said “the independence of the Southern Cameroons as a separate entity was ruled out by economic considerations”. (896th meeting)

Miss Brooks (Liberia) said “Paragraph 2 [of draft resolution] would serve to allay any apprehension that the Southern Cameroons might become independent as a separate entity, an eventuality which all were agreed should be ruled out in view of the territory’s limited economic potential”. (898th meeting)

One or two others such as Afghanistan and Guinea said that economic viability did no matter.

Observation: In October 1959 the Fourth Committee ruled out ‘separate’ independence for the Southern Cameroons because of a claimed economic non-viability of the territory. The Committee was in effect ordaining that the Southern Cameroons would continue to be a colonial territory so long as it remained what it called ‘economically non-viable’. This was strange jurisprudence, especially coming from a body responsible for decolonization. The Southern Cameroons was being denied sovereign statehood not because it was not ready for independence and bound to make a mess of running its own affairs, but because of an unverifiable

economic non-viability! The test of economic viability had never before been, and was never after, applied in the decolonization process. Further, the statements about economic non-viability were more in the nature of a reckless piece of malicious gossip peddled by the British Government and repeated by many. There was no shred of evidence adduced in support of those statements. The UN itself did not send any fact-finding mission to assess the economic potential of the territory. It is now an acknowledged fact that the territory is well endowed economically and that its resources constitute the main source of income for the occupying state of independent French Cameroun and a significant source of income for France.

The delegates who spoke at the Fourth Committee meetings simply repeated, in various ways, the self-serving statement of the British representative, Sir Andrew B. Cohen. Sir Andrew himself had no evidence to back what he said. He indicated that he was merely expressing his personal opinion. He did not say what informed that personal opinion. And if the view he expressed was indeed merely his personal opinion what then was the view of the Administering Authority which he was duty bound to reflect (and not his personal opinion)? It would seem that Mr. Cohen's statement, made under the pretence of a personal opinion, was in fact the official line of the British Government, and was so taken by the Fourth Committee. The plea of lack of qualified human resources in the Southern Cameroons was self-serving. The British Government was under an international obligation to develop the territory. In breach of that obligation it deliberately and calculatedly failed to do so. Perversely, it then turned round and pleaded its own gross dereliction of responsibility as a reason for denying the Southern Cameroons the right of sovereign statehood.

The representatives of Afghanistan and Guinea hit the nail on the head when they pointed out that economic viability did not matter when it came to decolonization. This was a prescient observation. Just 14 months later, on 14 December 1960, the UN General Assembly adopted resolution 1514 (XV) known as *Declaration on the Granting of Independence to Colonial Countries and Peoples*. Numbered paragraph 3 of that binding resolution declares: "Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence." Numbered paragraph 5 requires immediate steps to be taken in all Trust and Non-Self-Governing Territories "to transfer all powers to the peoples of those territories, without any conditions or reservations ... in order to enable them to enjoy complete independence and freedom."

Chapter Eleven

Economic Viability of the Southern Cameroons: Sir Phillipson's Report, 1959

Financial, Economic and Administrative Consequences to the Southern Cameroons of Separation from the Federation of Nigeria

CHAPTER I-INTRODUCTORY AND GENERAL

1. *Appointment: original terms of reference.*- In June last, I was offered and accepted an appointment as temporary Adviser to the Government of the Southern Cameroons on Financial Problems with the following terms of reference:

“To advise the Government of the Southern Cameroons on the likely consequences, financial and economic, of the separation of the Southern Cameroons from the rest of Nigeria, the cost of the provision by the Southern Cameroons Government of services now provided by the Federal Government and the resources available for this purpose.”

After spending some four weeks in the United Kingdom on the preparatory study of publications and papers bearing on my subject I arrived in the Southern Cameroons on July 13. Since that date, apart from the time which was taken up by the Mamfe Conference (August 10 and 11) on the plebiscite questions and the plebiscite register, an assignment which involved a good deal of work both before and after the Conference, I have been engaged in further study and in the collection of information, both by correspondence and extensive oral consultations. I have now the honour to present my report (1).

2. *Subsequent addition to terms of reference.*- Early in my studies it became plain that if I were to confine myself strictly to the financial and economic problems of separation, artificial limits would be placed on such usefulness as my investigation might have not only for the Government of the Southern Cameroons but also for the Government of the Federation of Nigeria, which too, in the event of separation, would have a close practical interest in the process and results of mutual extrication. The financial problems in particular are merely one aspect, not necessarily the most intractable of the difficulties which inevitably arise when one territory which has for a long time been politically integrated or associated with

another decides to sever the connection. The administrative problems inherent in such severance clearly call for at least definition and for such consideration as maybe possible at this stage. For the Southern Cameroons the most formidable of these problems will be that of replacing the present substantial services given by the Federation by self-contained Southern Cameroons services; but that is by no means the only problem of organisation which will arise. I explained this point of view to the Premier and the Minister of Works and Transport at an interview on July 27 last and they agreed with my suggestion that my report should also attempt to deal with the administrative or organizational problems of separation. For the most part these problems are not matters for settlement by the Government of the Southern Cameroons alone; they are in general matters for joint determination by the two Governments directly concerned: Her Majesty's Government as the Administering Authority also has an important interest in the satisfactory settlement of these problems; I can do little more, therefore, in respect of such joint problems than indicate their nature and suggest methods of approach to them and a machinery for arriving at decisions on them.

It follows that, although I am commissioned by my terms of reference to advise the Government of the Southern Cameroons, I cannot escape the necessity, inherent in the nature of the subject, of implicitly offering advice also to the Federal Government of Nigeria and indeed, to some extent, to Her Majesty's Government. This is particularly true of the problems of administration (all of which have of course their financial facets) which arise in connection with separation.

3. Interpretation of terms of reference.- Although this report is in no way concerned with the political situation in the Southern Cameroons, it is necessary and proper that cognizance should be taken of the fact that the immediate political future of the territory might take one or other of the following forms:

- (a) the status of a self-governing Region within an independent Federation of Nigeria;
- (b) separation from the Federation of Nigeria with a further period of Trusteeship;
- (c) separation from the Federation of Nigeria with the opening of early negotiations with the future Republic of the Cameroons for unification on mutually acceptable terms;
- (d) separation from the Federation of Nigeria and the assumption of the status of a completely independent sovereign state.

Each of the first three alternatives commands a measure of support in the country; the support, if any, for (d) is negligible and this alternative can be disregarded. My terms of reference refer only to “separation” *tout court*, but it is clearly necessary to determine, for the purpose of my investigation, whether “separation” relates to alternative (b) or to alternative (c). There is no other special course open to me but to assume that separation means alternative (b), that is, separation with a further period of Trusteeship, my reasons being as follows:

(i) This is the policy favoured by the political party returned to power at the General Election held early this year.

(ii) Separation as an immediate stepping stone to unification with the present French Cameroons would pose a materially different and even more complicated set of problems in the settlement of which, apart from the United Nations and the Administering Authorities, the Federal Government of Nigeria, the Government of the future Republic of the Cameroons and the Government of the Southern Cameroons would all be involved. On that set of problems the view of a single investigator working within fairly strict time limits and without wide consultations would be of no value. So far as I am aware, there has been no authoritative pronouncement by those who favour separation with a further period of Trusteeship on the duration of this further period, though references have been made to period of four or five years. This is an important question with a direct bearing on my investigation. It is an inference of common sense that the financial advantages to the Southern Cameroons of retaining its Trusteeship status for a time would be impaired if the period is undefined or if, being defined, it is too brief to admit of reasonably long-term planning. The purpose of a continuance of Trusteeship, a status which is by its nature transitional, is clearly to afford the time needed for a fuller development of basic services and to bring the Southern Cameroons to a condition of more assured viability. It is desirable, in my opinion, that this period should, if possible, be fixed in the near future by agreement between the Administering Authority and the Southern Cameroons Government; the approval of the United Nations would presumably also be required.

This paragraph may be summed up by saying that my discussion of the consequences of separation assumes that separation means separation with a further period of Trusteeship adequate to the purpose in view as stated above.

4. *General approach.* – Implicit in my terms of reference is the recognition that the problems of separation are difficult and numerous enough to require special investigation. Indeed it is obvious, without any special investigation, that for a small, under-developed territory like the Southern

Cameroons to detach itself from the relatively powerful and prosperous group of regional states which constitute the Federation of Nigeria after over forty years of association is to create for itself a number of difficult problems which would otherwise be avoided. Even with the guidance and held of the United Nations and Administering Authority some temporary deterioration of services and some temporary slowing-down of progress are inevitable; why this is so will become clear in the course of this report. The tiding-over problems are formidable and in certain cases it will not be possible to arrive at workable solutions without the goodwill and collaboration of the Federal Government of Nigeria. To choose separation is to choose the hard way, as one of the present Ministers stated at the Mamfe Conference. These obdurate facts must be noted, but it is equally a fact that the people of the Southern Cameroons have an unquestioned constitutional right to decide their own political future. That being so, it becomes obligatory on all the authorities concerned to do their best to ensure that, if the choice is for separation, separation takes place in conditions as propitious as can be contrived and that the adverse consequences of separation during the transitional period are reduced to a minimum. This report is written in that spirit; while being an impartial and factual account of the problems arising from separation, its aim is also to contribute as far as possible to their solution.

5. *Method of presentation.* – This report deals with the following subjects:

- (i) Immediate financial consequences (Chapter II).
- (ii) Economic consequences and prospects and the long-term financial consequences and prospects (Chapter III).
- (iii) Administrative consequences and problems (Chapter IV).

There will also be a final summarizing chapter.

For the sake of clarity and as many readers will be more interested in the conclusions than in the process by which they have been reached, most of the detailed explanation and financial tables are embodied in appendices. Similarly, footnotes are relegated to the appendix (Appendix I). My itinerary and the list of persons with whom I have discussed various aspects of my subject during my visit are contained in Appendix VI.

CHAPTER II.- IMMEDIATE FINANCIAL CONSEQUENCES

6. *Initial phase of the investigation.* – This must be to arrive at a measure of the amount, if any, by which the recurrent revenues of a separated Southern Cameroons would fall short of the recurrent expenditure required to maintain the existing services, Federal and non-Federal, at their present level. For this purpose it is necessary to ascertain the following:

- (i) The estimated additional cost of adapting the non-Federal services, that is, the services which are already “Regionalised”, to separation.
- (ii) The estimated cost of replacing Federal services operating in or for the Southern Cameroons by Southern Cameroons services.
- (iii) The value in terms of money to be attached to the indirect benefits of belonging to the Federation.
- (iv) The net gain of revenue which will accrue to the Southern Cameroons as a result of loss of some sources of revenue and the gain of others. There must also be an attempt to assess the capital position after separation.

7. Method and process of investigation.- The most effective way of arriving at a measure of the “recurrent” shortfall, if any, is to reconstruct the Southern Cameroons Estimates, 1959-1960, of recurrent revenue and expenditure on the assumption that separation has already taken place. For this purpose I requested those responsible for the non-Federal services to let me have departmental estimates revised so as to take into account foreseeable effects of separation such as the possible need for more staff as a consequence of being unable to draw from the Federal “pool” and the provision needed for such Federal services as departmental training and research. Those responsible for Federal services were requested to supply information as to their establishments and recurrent expenditure and to provide estimates for self-contained Southern Cameroons Departments in replacement of the present Federal projections or branches. In the case of both Federal and non-Federal services the responsible officers were asked to indicate the kind and the estimated cost of the capital works which in their opinion would be required as a result of separation. I reviewed the returns received, which on the whole were thorough and helpful, in the light of my judgement and experience and here and there I made occasional changes, though on the whole I accepted them as they stood. This course was dictated by considerations of time and commonsense. My business was not to prepare a new set of Estimates weighed as to every detail, a process which takes the governmental machinery several months to complete, but to conduct a financial exercise with the limited purpose of assessing the size of the purely financial problem with which a separated Southern Cameroons would be at once faced. In this process it was necessary for me to make now and then personal judgments on matters which are ultimately matters of policy. For present purposes it will suffice to observe that, whether or not final decisions on such matters conform to my provisional and personal judgements, the validity of my main conclusions will not be materially affected.

8. *Imports General: Revenue attributable to the Southern Cameroons.* -Imports general as classified in the present system of revenue allocation are all dutiable imports into the Federation other than imports of tobacco (manufactured and unmanufactured), motor spirit, diesel oil and beer, wine and spirits and the estimate of the import duties thereon in 1959-60 for the Federation as a whole is £28,680,000; the actual figure in 1958-59 was £25,699,125. There is no way of ascertaining at all exactly what percentage of Imports General is derived from duties on imports which find their way into the Southern Cameroons; this is because extensive areas of the territory are supplied by road and the Cross River from Nigeria and the volume and value of the supplies coming by these routes are not known. This is unfortunate as the revenues available to a separated Southern Cameroons will be materially affected by the duties it is able to collect from this source.

In their preliminary report dealing provisionally with the revenue allocation problem of the Southern Cameroons the last Fiscal Commission adopted 2 per cent as the percentage of Imports (Other) consumed in the Southern Cameroons, explaining their reasons as follows:

“The studies made by the Federal Government Statistician since the 1954 Resumed Conference, however, included an estimate of the consumption of imported goods other than motor spirit and tobacco, in the Southern Cameroons. His conclusion is that the correct figure for the consumption of such imported goods lies between firm figures of 1½ per cent and 3 per cent of the total for the Federation, and that the probable figure is between 2 per cent and 2½ per cent. We are satisfied that, in the light of the evidence now available the proportion of the imports of goods other than tobacco and motor spirit attributable to the Southern Cameroons may fairly be put at 2 per cent (1).”

The category “Imports (Other) is not, however, the same as “Imports General”, as the former included all dutiable imports other than tobacco and motor spirit and therefore included imports of beer wine and spirits and of diesel oil, which are excluded from the latter. The percentage appropriate for Imports (Other), whatever that may be, is thus not necessarily the same as the percentage appropriate for Imports General. The difference must, however, be slight and I feel justified for the present purpose in disregarding it.

If the percentage adopted by the Raisman Commission for Imports (Other) was correct in 1957 (and the quotation from their report given shows that it was at the lower point of the Statistician’s range of probability), it is safe to say that it would be rather higher now. Since then there has been a general increase in purchasing power throughout the territory, including

the up-country areas which naturally draw their main supplies by the un-Customed road and river routes from Nigeria. It would not be imprudent to assume that the present percentage of revenue from Imports General attributable to the Southern Cameroons is not less than 2¼. I am influenced in taking that view by the following facts and considerations:

(a) The import duties on beer, wine and spirits entering the territory through its ports in 1959-60 has been estimated at £93,000 which, is 2.67 per cent of the total estimated Federal revenue (£3,473,000) from this source. This percentage of course takes no account of any beer, wine and spirit which may arrive from Nigeria by road or river.

(b) The actual revenue from import duties on motor spirit allocated to the Southern Cameroons in 1958-59 was £61,981 which is 2.64 per cent of the actual total Federal revenue (£2,348,786) from this source in that year.

(c) Rather over two-thirds of the population of the Southern Cameroons live in the old Bamenda Province and the Mamfe Division and a glance at the map, in conjunction with a knowledge of the state of the Kumba-Mamfe road, shows that the natural route of supply to this area is by road and/or river from Nigeria. Actually, the road from Calabar to Bamenda is some sixty miles shorter than the road from Victoria to Bamenda. This road and the other road from Nigeria are also all-season and reasonably good roads. One cannot, however, infer from these facts that two-thirds of the territory's imports come by these routes, as the purchasing power of the people of the areas in question and their interest in trade goods must be less than in the more prosperous Victoria and Kumba Divisions. It is unsatisfactory that a percentage so crucial to a reliable assessment of the revenues of a separated Southern Cameroons has to be estimated on the basis of very inadequate data. I have devoted a good deal of time to the problem and pursued various lines of enquiry, but these have led to conflicting conclusions. The Public Works Department conducts at certain key points, for a week in January and for a week in July, a census of the motor traffic using particular roads and the figures so obtained were made available to me, but beyond establishing the volume of supplies coming in by road and/or by river to Mamfe is very considerable, no firm conclusions could be reached; apart from the fact that 14 days out of 365 hardly constitute a reliable basis for an annual calculation, the "unknowns," e.g., how much is passenger and how much goods traffic and the average load carried, were too many and too important. The percentages of import duties on beer, wine and spirits and on motor spirit collected at the ports points to the crucial percentage being higher than 2¼; on the other hand, the percentage of tobacco duties collected in 1958-59 at the Southern Cameroons ports to the total import duties of the Federation on tobacco was only .85, which points in. contrary direction. (This low percentage of

tobacco import must be mainly a result of the extensive smuggling of ciga-rettes across the eastern frontier.) On the basis of figures supplied to me by the Board of Customs and Excise, the percentage of Imports General collected in 1958-59 at the Southern Cameroons ports was only .86 of the total Federal revenue from Imports General, a percentage which suggests that even 2¼ per cent for all Imports General may be too high, as the percentage of collection at the ports related to 2¼ per cent overall would imply a volume of dutiable goods entering the Southern Cameroons across the western border higher than the transport information available to me suggests as likely. These facts point to the advisability of an early and full investigation, which should include physical checks of lorries and their contents over a reasonable period, into the western border trade. Such an investigation would be useful not only as providing information on which a more reliable revenue forecast could be made but also as throwing valuable light on a trade which is of great economic importance to the Southern Cameroons.

It goes without saying that the achievement of the revenue from Imports General which I have included in Appendix V on the basis of 2¼ per cent will depend in large measure on the effectiveness of the arrangements made for the collection of duties on the western border, a question to which reference is made later (paragraph 44). It may well be that the establishment of a Customs barrier on that border may itself have a restrictive effect on the trade coming across it.

9. *Company Tax* – Under the present system of revenue allocation the proceeds of this tax are retained by the Federal Government. After separation the portion of the tax derived from the Southern Cameroons would become Southern Cameroons revenue. (I am assuming for this and other purposes that the present legislation on fiscal matters will remain in force.) The Chairman, Federal Board of Inland Revenue, estimates that the amount of Company Tax attributable to the Southern Cameroons for the current financial year 1959-60 will be £70,000. The yield of this tax from the Southern Cameroons has varied very greatly from year to year, being largely determined by the variable profits of the banana exporters. It has ranged from a peak of £485,100 in 1954-55 to a nadir of £60,700 in 1956.57; the average figure for 5 years (including the 1959-60 estimate) is £140,600. (If the year 1954-55 were included, the average would be substantially increased, but I have left it out as a very exceptional year not likely to be repeated.) For the purpose of this exercise it would be over-cautious to adopt the estimate of £70,000 which is well below the average. As, however, the yield in 1960-61 is likely to be low also, it might be rather over-sanguine to adopt the average of £140,600 referred

to above. I have therefore included in Appendix V against this item the sum of £100,000 as a compromise. It is proper to note, however, in a general assessment of the territory's financial prospects that this source of revenue will almost certainly yield on the average at least £140,000 a year; if actual economic development matches with possibilities, it could become a good deal more.

10. *Result of the exercise: recurrent expenditure and revenue.*- I now set out in summary form the arithmetical result of the exercise in respect of recurrent expenditure and revenue; the Appendices referred to contain the details, with comments on the more notable points ; to comment on every detail which has been taken into account would be tedious and would add unnecessarily to the length of this report but I will leave my files on departure with the Financial Secretary's Office.

EXPENDITURE £

Estimated recurrent expenditure 1959-60 (including First Supplementary Estimates)	1,984,900
<i>Add</i> , the net estimated additional cost of adapting the non-Federal departments to separation (Appendix II, column(4))	237,651
<i>Add</i> the estimated cost of replacing Federal services by self-contained Southern Cameroons departments (Appendix III)	488,372
<i>Add</i> a token figure to represent the value of indirect Federal services not included in the immediately preceding item (Appendix IV)	20,000
Total estimated expenditure in 1959-60 on the hypothesis that separation had already taken place and that self-contained Southern Cameroons departments had replaced the Federal departments	2,730,923
or, say,	2,731,000

REVENUE

Estimated recurrent revenue for 1959-1960 (including the Federal grant of £2,000 for Botanical Gardens, Victoria)	2,001,035
<i>Add</i> estimated net gain of revenue (Appendix V)	390,130
Total estimated recurrent revenues available on separation.....	2,391,000
or, say,	2,391,000

SHORTFALL

Estimated recurrent expenditure on separation as above.....	2,731,000
Estimated recurrent revenue on separation as above	2,391,000
Shortfall	340,000

The arithmetical conclusion is thus that the 1959-60 Estimates of recurrent expenditure and revenue constructed to provide for the present level of services, Federal and non-Federal, on the basis of separation show that estimated revenue would fall short of estimated expenditure by £340,000.

11. *Comments on the foregoing conclusion.* – Actually this arithmetical deficit of £340,000, though it should be taken seriously as indicating the difficult nature of the financial problems with which a separated Southern Cameroons would be faced, does not mean that the Southern Cameroons Government would on separation immediately have to find ways and means of closing the gap. The reasons for this apparently paradoxical view are summarized in sub-paragraphs (i) to (iv) below.

(i) The 1959-60 Estimates, including the First Supplementary Estimates, of recurrent expenditure contain provision for the following:

(a) Contribution to Reserve Fund (Head 546, Sub-head 31) £175,000

(b) Contributions to Dev. Fund (for capital works) (Head 550) £250,010

The first is an appropriation of part of the estimates surplus to provide an initial contribution to a Reserve Fund, the purpose of which is to serve as a reserve against major emergencies. The intention is to build up a Reserve Fund equal to at least two months revenue and it follows that this contribution, or at least a contribution of this magnitude, will not be a permanently recurring item of expenditure. It might be necessary in the tiding-over period to reduce it drastically or even to postpone it altogether until less difficult times. If this last-mentioned expedient were adopted the shortfall would be reduced to £165,000. As regards (b) Contribution to Development Fund, it is reasonable that a portion of recurrent revenue should be appropriated for capital development, which in the Southern Cameroons is the paramount need, but in the special circumstances of the transitional period, the figure could be reduced, unfortunate though such a reduction would be. If a reduction of £100,000 is assumed, the shortfall is reduced to £65,000.

(ii) The estimates in Appendix V of the net gain of revenues on separation assume the cessation of the Development and Welfare grants totalling £65,190 made to meet a portion of the recurrent expenditure on the schemes listed in Head 512 of the Southern Cameroons Estimates, 1959-60. This assumption may be incorrect; it is possible that the Administering Authority might be prepared to continue this or equivalent recurrent aid, in which case the shortfall disappears.

(iii) My reconstruction of the Estimates is based on the assumption that fully self-contained Southern Cameroons departments have replaced the present projection of Federal departments, but as is explained later in this report (paragraph 33), this will not be an immediately realisable assumption. If the Federal Government were to agree to what seems to be the only alternative to a breakdown, at a crucial time, in the machinery of Government, namely the continuance of an appropriate period, on a paid agency basis, of the Posts and Telegraphs, Customs and Excise and Inland Revenue services, the cost would be less than that foreshadowed in column (3) of Appendix III. Although I cannot anticipate the decisions of the Federal Government on their charges for such services (even if the Federal Government agrees to continue them at all), my estimate, which is based on the percentage additions used by the Federal Government in cases of staff secondment is that the cost of these peculiar services continued on a paid agency basis would be about £209,000 as compared with £230,000 on a self-contained basis. In other words, the total estimated cost (£488,372) of replacing Federal services by self-contained departments would be reduced by £21,000.

(iv) An exercise based on estimates is necessarily, particularly in present circumstances, theoretical in character. This is illustrated by the outturn for the year 1958-59. The original Estimates budgeted for a deficit of £212,385, but the year ended with a surplus of over £200,000. The accrual revenue exceeded the estimated revenue by £369,706 and there was considerable under-expenditure. Similarly, the revenue estimates for 1959-60 may well be exceeded and it is certain that there will be substantial under-expenditure. This last situation is one in which no real satisfaction can be found because it arises mainly from the large number of unfilled posts at all levels in the Government establishments. This condition of things is, more regrettably, likely to persist, probably in an aggravated form, after separation; this is a matter to which further reference will be made in the chapter on administrative problems (paragraph 46). Estimates are, however, necessarily framed on the assumption that the necessary establishments will be filled and that the money will be spent as intended

by the legislature in making provision. It was therefore proper to base my exercise on the Estimates of the Southern Cameroons for 1959-60, but it is realistic also to recognize the probability that the actual expenditure will fall materially short of the estimated expenditure and that the surplus for 1959-60 may prove very much larger than the present revised estimate of that surplus (£16,134).

(v) The comments in sub-paragraphs (i) to (iv) serve to establish that an actual deficit in the working of the year 1959-60 would not have been inevitable on the hypothesis of separation, in spite of the arithmetical result of my reconstruction exercise. In that exercise deliberately did not take account of future changes because I was concerned with the present set of conditions and level of services as reflected in the 1959-60 Estimates and because future changes will be, for the most part, related to future decisions of policy.

It is, however, sensible to take note of certain additional charges on Southern Cameroons revenues which are either virtually certain or very likely to arise in the near or fairly near future:

(a) A revision of salaries has recently been initiated and the result will probably be an early and substantial addition to recurrent expenditure.

(b) It will almost certainly be necessary for the Southern Cameroons Government to offer inducements to retain or attract staff, particularly Nigerian staff, for service in the Cameroons (paragraph 46).

(c) if the Southern Cameroons is successful in obtaining loans for the development of its basic services, loan charges will have to be met. A loan of £1 million will result in annual charge of not less than £70,000.

(d) If and when the proposed reorganization of the Cameroons Development Corporation (paragraph 25) is effected, the Southern Cameroons Government will become responsible for the medical and educational services now performed by the Corporation though it will in that event be proper to call upon the Corporation to pay for these services on some agreed basis in so far as they relate to its own staff.

(e) If the Electricity Corporation of Nigeria continues to own and operate the Cameroons Undertakings, the Southern Cameroons Government may be called upon to meet the present loss on working (paragraph 38 below).

(f) If the Southern Cameroons Government requires any special services from the Nigerian Broadcasting Corporation, payment for those will be necessary (paragraph 39).

(g) A subsidy to Nigerian Airways will be necessary if the present air service between Nigeria and the Southern Cameroons is not profitable (paragraph 45).

(h) The Southern Cameroons Government will become liable for the pensions and retiring benefits of officers in its service. This charge, though small at first, will of course grow.

(i) A contribution to the cost of the work done by the Nigerian Institution of Social and Economic Research in the Southern Cameroons is another probable charge (paragraph 42).

The forgoing list is not necessarily exhaustive. It is obvious that the items noted will add materially to the budgetary difficulties of the Southern Cameroons Government in the years immediately ahead. I believe that ultimately expanding revenue will enable them to be met. There may, however, be an initial period of extreme difficulty calling for some external aid.

12. *Broad conclusion in the recurrent position.* — My broad conclusion is that the revenues which would be available to a separated Southern Cameroons might just suffice to make it to maintain existing recurrent services at their present level, but it would be a precarious, hand-to-mouth existence, necessitating a reduction of the present capital contribution from recurrent revenue, in itself a bad thing, and a postponement of the contribution to the Reserve Fund, which would also be unfortunate. The territory would lose the contribution made by the Federal Government, through its Economic Programme, to capital development. There would be no effective barrier against the adverse effects of a sharp decline in the value of volume of export produce such as is to some extent afforded by belonging to the Federation. This amounts to saying that, **as a completely independent and sovereign state, the Southern Cameroons would not, at its present stage of development, be viable.** As, however, my assumption is that separation will be with a continuance of Trusteeship for a reasonable period, the question of completely independent viability does not arise now. A further period of Trusteeship, provided it is adequate in duration, might well afford the Southern Cameroons the time it needs to develop and test its financial and economic strength and to enable it to consider, at the end of the period, its further political evolution with greater confidence. The present level of services is of course seriously inadequate. It may be that with the growth of revenue the Southern Cameroons will be able to finance from its own resources a modest expansion of those services; that can only be found out in practice; but it would seem at present that the territory will require some grants in aid of recurrent expenditure from the Administering Authority and that these grants would be above the level of the present recurrent grants made from Colonial Development and Welfare funds. My advice is that, in the event of separation with continued Trusteeship, the Southern Cameroons Government should continue to budget for a modest expansion of its services even if this means budgeting for a deficit and that the Administering Authority should undertake to make grants equal to the actual deficit, if any, but not exceeding the approved budgetary deficit.

My broad conclusion differs somewhat from the conclusions which have been submitted to the Southern Cameroons Government by others who have done some work on this problem. The fact that my assessment of the recurrent position is not quite so discouraging as earlier assessments is partly attributable to recent changes in the rate of import duties and quickened economic activity and partly to the more detailed study that the time available has permitted me to make. If I had had to make a rapid assessment, it could not have been very different from the other assessments.

We have in any case still to consider the problem of meeting the cost of capital works necessitated by separation. Consideration must also be given to the problem of financing the general capital development programme. These even more formidable matters are considered in the remaining paragraphs of this chapter.

13. *Capital works consequential on separation.* It will be seen from Appendix II and III that the total capital “separation” requirements as stated by the officers making the returns from which these Appendices have been compiled are as given below:

Southern Cameroons department (Appendix II, column 6)	£495,800
Federal departments (Appendix III, column 4)	£493,200
	£989,000

With minor and negligible exceptions, I have incorporated in the two Appendices Estimates as supplied to me, but analysis discloses that a substantial number of works included in the returns, though obviously highly desirable and, in many cases, necessary works, cannot be classified as works directly necessitated by separation; they are rather works with a claim to inclusion in the territory’s general development programme and indeed some of them already figure in approved programmes. Of the sum of £351,100 shown in Appendix II, column 6, as the consequential Public Works capital requirements, £201,100 represents the actual Federal expenditure in 1958-59 on road construction and buildings. It is true that a separated Southern Cameroons will have to assume responsibility for expenditure of this kind, but it is logical and convenient to reserve construction and building schemes, which are necessary whether separation takes place or does not take place, for the general development programme. What, for the immediate present purpose, it is desirable to isolate is the estimated cost of those works, mainly quarters for additional

staff and offices or buildings for new local activities, which are directly necessitated by separation; in other words, works which, broadly speaking, would not need to be undertaken if separation were not to take place. Applying this test to the works listed in the return, I calculate that £510,000 is capital “non-developmental” cost of separation. This is on the basis of the establishment of fully self-contained departments in replacement of the present Federal services; if certain of these services are continued for a period, on a paid agency basis, the immediate capital expenditure would be somewhat less though ultimately expenditure of this order will be required.

Note should be taken of a further possible capital liability. It may be that the Federal will claim payment on separation for the value of Federal assets, fixed and mobile. This is a difficult matter of policy on which no authoritative pronouncement has been made by the Federal Government; it is discussed at some length in the chapter on administrative problems (paragraph 34). This will be a matter for settlement between the two Governments and my hope is that no claim of this kind will be made, but it is at present no more than a hope. Even if no claim is made for a settlement in respect of fixed assets, mobile plant might either have to be paid for at a valuation or replaced. The Director of Public Works estimates the replacement value of mobile plant and vehicles supplied by the Federal Government mainly for use on road construction at £400,000.

The “non-development” capital cost of separation given above does not include the amount which will be required to pay lump sum compensation to officers retiring on grounds of constitutional change, because that liability will arise when the Southern Cameroons attains in the near future the status of a self-governing Region; it is not a direct consequence of separation. It is difficult to judge the cost involved but it might be of the order of £100,000.

If the Southern Cameroons Government takes over in due course the Southern Cameroons Undertakings of the Electricity Corporation of Nigeria and the responsibilities of the Nigerian Ports Authority at Bota and Tiko, it will be necessary to pay for the fixed assets as valued at the time of taking over; the figure may be of the order of £400,000.

On 1st July, 1959, the capital value of the Federal Public Works Department Unallocated Stores at Victoria was £196,000. It will be necessary for these stores to be taken over. This is a “working capital”

commitment arising out of separation. (The Posts and Telegraphs Department Unallocated Stores have been taken into account in Appendix IV.)

We thus get the following figures of capital requirements arising directly from or associated with separation:

(i) Offices, quarters, etc.	£510,000
(ii) A contingent charge for replacement of mobile Federal assets	£400,000
(iii) Lump-sum compensation	£100,000
(iv) Cost of capital assets of Cameroons Electricity Undertakings and of Nigerian Ports Authority at Bota and Tiko	£400,000
(v) Federal Public Works Department Unallocated Stores at Victoria	£196,000
	£1,606,000

If my advice relative to Federal assets (paragraph 34) is accepted by the Federal Government item (ii) will be partially eliminated. Whatever the final figure may be, the prospect of having to find so much money for “non-developmental” purposes is deeply disturbing

14. Resources to meet Capital Expenditure.- Developmental capital expenditure cannot be left out of the picture, for the outstanding feature of the financial and economic scene in the Southern Cameroons is the paramount need for capital expenditure on development; without such expenditure the territory cannot advance much beyond its present stage. The following figures of annual expenditure on capital works in the Southern Cameroons from governmental sources (territorial, Colonial Development and Welfare and Federal) are of interest :

1955-56	£353,517
1956-57	£559,821
1957-58	£734,050
1958-59 (revised estimate).....	£840,815

The total capital expenditure in 1959-60 may approach £1 million. The interest of these figures lies in the scale of capital expenditure now reached and the gradually increased capacity to spend. In relation to the needs of the territory capital expenditure on development at the rate of £1 million a year must be regarded as modest and as the minimum needed to foster the economic development which will be the source of expanding resources. We are thus confronted with the position that on separation

the Southern Cameroons will require an annual capital expenditure of £1 million for development and also, in the transitional period, perhaps £1,606,000 to meet the non-developmental requirements of separation.

On separation the Southern Cameroons will lose the Federal contribution to capital development which during the last three completed financial years has averaged about £330,000. This loss of the Federal contribution to capital development is a directly adverse consequence of separation; this contribution is subvention to the Southern Cameroons from the rest of the Federation. The Southern Cameroons Government may be able to contribute from its own resources from £100,000 to £200,000 a year to capital purposes, the actual amount depending on the budgetary position from year to year. If, as seems probable, there is a substantial surplus for the year 1959-60, the commitment in respect of Federal Public Works Department Unallocated Stores might be charged against it. The territory has no other resources from which to contribute to its capital development and it will therefore be dependent on external aid by way of either loans or grants. How best to meet this difficult situation will be a matter for discussion between the Administering Authority and the Southern Cameroons Government. My own view is that aid for productive purposes (e.g., road improvement and construction which in local conditions is a prerequisite of further economic progress) could suitably take the form of loans issuable from year to year on the basis of estimated expenditure.

The broad conclusion is that the capital problem posed by separation and the general economic needs of the country is much more grave and difficult than the problem of balancing the recurrent budget and that in this matter the Southern Cameroons will require strong external support. As an under-developed country with a good prospect of multiplying its agricultural production the Southern Cameroons has a good claim to favourable consideration by those agencies which are interested in bringing forward under-developed areas, a subject which engaged the attention of the Commonwealth Trade and Economic Conference in Montreal in September 1958 and which indeed stands in the forefront of the world's problems.

CHAPTER III-ECONOMIC CONSEQUENCES AND PROSPECTS AND THE LONGER-TERM FINANCIAL CONSEQUENCES AND PROSPECTS

15. *Purpose and scope of this Chapter.*- This chapter does not purport to provide a com-prehensive economic survey of the Southern Cameroons, a task which might well be separately undertaken at the right time by specialists in that field; nor does it aim at giving a detailed description of the economic resources, activities and services of the territory as this would be merely to repeat information which has already been given from year to year in the Reports of the Administering Authority to the United Nations. The Chapter has .the more limited purpose of examining certain salient features, actual and prospective of the local economic scene with particular reference to their probable effects on the revenues of the Government of a separated Southern Cameroons. Written from the point of view of a practical administrator, it poses, and seeks to answer, the question whether in the years immediately ahead the Southern Cameroons can reasonably hope to emerge from the somewhat straightened financial circumstances described in the preceding chapter as an immediate sequel of separation into a financial position sound and strong enough to sustain a separate political existence.

Naturally in an exercise of this kind it is necessary to make assumptions on a wide range of matters which cannot be known with certainty; one must assume, to take one example, that world demand and market prices for the export crops of the territory will not undergo any calamitous decline but keep round about their recent levels. Forecasting of this kind cannot be based on the assumption of either the best or the worst happening; it cannot but assume the continuance of average conditions.

16. *Economic consequences of separation.* My Terms of reference require me to advise on “the likely economic consequences” of separation. Taken literally this is not a matter which admits of clear-cut forecasting. Pacific political change within the same economic system need not by itself have adverse effect on economic development in the private sector. In seeking profitable outlets private capital is less concerned with political boundaries than with stable, political and, social conditions. The post-war years have witnessed a remarkable development in the Nigerian economy; since 1947 there has been a nearly six-fold increase in Government revenue; a three-fold increase in the value of exports and re-exports, an almost five-fold increase in the value of imports, a five-fold increase in tonnage of railway freight traffic and a five-fold increase in Bank deposits(1). This period has also witnessed the peaceful political evolution of Nigeria to the point

at which the Federation is on the eve of achieving full independence. All the present five Governments within the Federation (including of course the Government of the Southern Cameroons) have subscribed to a widely published statement giving an assurance to overseas investors that overseas "investment and the skilled overseas personnel which may be necessary to make it successful will be welcome" and describing some of the opportunities for such investment and the legislative provisions designed to encourage it (2). The Federation has thus won for itself a position of repute as a stable political organisation with an expanding economy offering attractive openings to commercial and industrial enterprise and it is possible to recognise that such enterprise may for a time be rather more reluctant to sink capital in a small territory which, having seceded from the Federation, has not yet decided on its ultimate political future. It is impossible to assess the weight to be given to this consideration; its importance could easily be exaggerated; but it does reinforce the view already expressed (paragraph 3) that, if there is to be a continuance of Trusteeship after separation, the period of continuance should be long enough to admit of reasonably long-term planning. It also points to the need for tackling with vigour and efficiency the various administrative problems referred to in the next chapter and, in general, the need for maintaining a peaceful social order by good, stable and impartial government.-

If the direct economic effects of separation belong in part to the realm of speculation, it is a fact amply established by the evidence that the present uncertainties about the political future of the territory have had and will continue to have, as long as they persist, an adverse effect on its economic development. Conversely, an early political settlement with the prospect of a defined period of stable and progressive government would have an immediately beneficial effect. It is not only to private enterprise that these propositions apply. In view of the uncertainty of the future the Federal Government has already stopped all Federal capital works in the Southern Cameroons which can be stopped without wasting the expenditure already incurred. A scheme for the financial re-organisation of the Cameroons Development Corporation, with the injection of new capital, cannot be fully implemented until there is a political settlement. The future of aid from the Parliamentary Vote for Colonial Development and Welfare must similarly remain in doubt. The sooner this state of suspense is ended, the better it will be for the economic life and development of the Southern Cameroons.

17. *Recent Economic Progress.*- Although the natural economic progress of the Southern Cameroons has during the last year or two been arrested to some extent by political uncertainty, good and hopeful progress has been made in many directions during the last ten years. This is illustrated by the following figures of the value of total imports and exports through the Southern Cameroons ports:

	1949	1953	1956	1957	1958
			£££££		
Imports	673,800	1,617,800	2,010,692	2,370,380	2,961,563
Exports (including re-exports)					
	2,403,700	5,571,900	4,237,037	5,351,053	6,923,248

The following figures of the growth in the value of particular imports through the ports are also of interest in the same connection:

	1953	1958
	££	
Beer, Ale, Stout, etc.	79,800	110,200
Flour, wheaten	29,400	42,600
Cotton piece goods	50,000	59,200
Medicines and drugs	10,300	19,800
Cement	72,300	85,900
Fertilizers	99,700	412,200
Tools, implements and instruments	31,400	37,800
Private cars	33,100	36,100
Commercial vehicles	5,300	95,700
Chassis with engines	69,900	132,700

The above figures, and indeed all other figures which relate only to the ports of Bota and Tiko, do not give the full picture as they take no account of the substantial trade of the Southern Cameroons across the common land boundary with Nigeria. The tonnage of inward cargo at the two ports has grown from 13,273 in 1949 to 55,469 in 1958; the tonnage of outward cargo (excluding bananas) has risen from 5,262 in 1948 to 102,437 in 1958. The vehicles imported in 1948 numbered 142; in 1958 they numbered 473(3). In 1954-55 the revenue from motor vehicle licenses was £6,800; in 1958-59 it was £51,597. The period 1955 to 1958 was marked by an outstandingly rapid expansion of the Co-operative

movement and a related increase in the prosperity of the small farms over wide areas. The number of societies rose from 63 to ISO, the individual membership from 4,250 to about 12,000 and the annual value of produce handled from £190,000 to approximately £1,500,000. Note will be taken later in this chapter of the steady increase in the volume of agricultural and forestry produce exported, the figures for rubber and coffee being particularly satisfactory. The development of coffee growing in the Bamenda area has provided the farmers there with a useful and much-needed addition to their cash incomes. The activities of the timber companies in the Victoria and Kumba Divisions have added substantially to the local purchasing power and have opened up Dew country to agricultural development. There have been hopeful developments in plantation enterprise. There are no large-scale manufacturing industries in the Southern Cameroons, but Southern Cameroonians have now the opportunity of acquiring and practicing many different trades and skills in the civil, machinacan and railway workshops of the Cameroons Development Corporations, the transport sections and workshops of the Corporation and the Cameroons Co-operative Engineering and Transport Union, the installations of the Electricity Corporation of Nigeria, sawmills, and the various estates processing factories. The Government Trade Centre at Ombe River, which in December 1958 had 169 apprentices undergoing training in ten different trades, makes an important contribution to this aspect of development. The actual economic expansion of the past decade has been substantial and the promise of considerable further expansion is excellent, if two conditions are met, namely (a) a stable and durable political settlement and (b) the provision of more adequate basic services, notably roads.

18. *Inadequacy of present basic services: roads.* — Although, as indicated in the preceding paragraph, the Southern Cameroons has shared during recent years in the quickened economic life and development of the Federation as a whole and although there has been good, steady and hopeful progress in many fields, it still remains a fact that the development of basic services of the territory is seriously incomplete. As the last Visiting Mission from the Trustee Council pointed out, the outstanding need is for more capital for the development of “the infrastructure, and especially the roads system upon which so greatly depend not only the extension of the cash economy and its immediate benefits but also the efficiency of administration and the pace of local government reforms and social and educational progress.” The statement that the Southern Cameroons needs better roads and more roads is merely “a glimpse of the obvious” to anyone even superficially acquainted with the country; nevertheless the need is so outstanding that

the theme must be developed. A vigorous road policy providing for better roads and new roads to open up the extensive and fertile areas still without roads is a condition precedent to any further very substantial agricultural and general economic development. If the roads system is improved and extended, the prospects of a progressive increase in the production of crops for export are excellent; if it remains more or less as it is, present levels will not be greatly exceeded, though the momentum received from recent improvements will continue for a time. The need on agricultural grounds alone for an enterprising road policy has been frequently stressed. Thus, in a review of the Cocoa Industry in Nigeria, the British Cameroons and the French Cameroons published in 1954, the writers stated as follows (4).

“The present relatively backward state of the British Cameroons is mainly due to lack of roads. The existing roads, with few exceptions, are extremely rough and destructive to all forms of transport which have to use them. ... A glance of the map illustrating the development of cocoa planting in the Cameroons shows clearly that where roads have been made planting has taken place. It can safely be assumed that where are made to proved access to other productive areas, rapid developments on similar lines would take place.”

Dr. Eden in his report, written in 1957, on the suitability for the cultivation of tea of lands in the Bamenda area stated as follows:

“The question of communication is vitally important. There will be a distance of 300 to 400 miles for cartage of equipment, supplies and produce from ports to estates and this involves a heavy charge on cost of production. The rapid completion and maintenance of the projected all-weather road between Kumba and Bamenda would be a favourable and indeed a necessary factor in promoting a plantation economy.”

An experienced officer (5) of the Southern Cameroons Department of Agriculture has informed me that he “has visited many cocoa producing areas where only a fraction of the potential is being harvested because the cost of portorage is over a third of the value.” “Another factor”, he states, “is the relative unimportance of purchasing power in the more remote areas. Bicycles, for example, are useless in forest tracks and roofing pan is too difficult to transport far by head load.” These written statements are fully supported by all those with whom I have had discussions on the matter, many of them local farmers and small traders. Areas already planted are left unharvested and so become derelict for lack of roads or of adequate roads. With better or new roads many areas at present unplanted

would be opened up for cash crops. The relatively hopeful prospects of increased output of such crops given later in this chapter assume an energetic development of the road system.

Of course the benefits would not be purely agricultural. The transport industry is at present handicapped by restrictions on the kind of vehicles which can be used on certain sections, the one-way traffic system obtaining along particular routes, the seriously shortened life of the vehicles used on bad roads and heavy insurance charges on commercial vehicles. With reasonably good roads between the main centres of population and production, the transport industry, which has already made notable strides in spite of its difficulties, would leap forward with a consequential increase in revenue from petrol and diesel oil import duties and from licences. As a holiday resort, the Southern Cameroons has many attractions, but tourism can hardly be developed in the present conditions of the roads. The administrative and social advantages do not require any elaboration. Roads constitute the main instrument of further progress in the territory; they are the key with which the gate to a reasonably prosperous future can be unlocked.

Although a road map for the whole territory is required, attention must be paid to one outstanding need. The main arterial road between Victoria-Kumba-Mamfe-Bamenda, the "life-line" of the territory as it has been called, is, in its middle section, interrupted by some sixty miles of what must be, in the wet season, one of the world's worst roads, described indeed by the 1956 Visiting Mission as "an execrable pilot track". The old bridges, it is true, have since been replaced by concrete structures but otherwise this section of road is shockingly bad, hazardous, destructive to vehicles and properly useable in wet weather only by four-wheel drive transport. To put this road in order would in itself be an important contribution to the economic development of the territory; the need for this should stand foremost in the order of priority.

Apart from the development of the main road system, the development of roads in rural areas by communal efforts should be encouraged by the loan of mechanical plant for the heavier work. Representations to this effect were made to me in Mamfe which is the centre of a fertile area, considered particularly suitable for cocoa and coffee, at present unserved by branch roads.

The capital cost of financing a comprehensive road improvement and construction programme for the Southern Cameroons would be extremely heavy and this cost cannot be met from the resources of the territory. The

increased revenues which would result would, however, in my judgement enable a separated Southern Cameroons to meet the charges on a loan for the first five-year instalment of a road programme, particularly if the loan could be issued, as suggested above (paragraph 14) on an annual basis *pari passu* with expenditure. In any case the rate of expenditure must be governed by the executive capacity to do the job; for some years this factor would limit the expenditure to about £1 million a years. Although a comprehensive plan is probably desirable, it might take a generation to carry it out. The sound course would be to proceed steadily, tackling first things first, without daunting ourselves by grandiose schemes. Certain it is that each £1 million spent on road improvements and extensions will reap a worthwhile economic harvest.

19. *The agricultural potential.* – A question of great practical interest is the extent to which the potentiality of the Southern Cameroons as an exporter of agricultural produce has already been developed. Some 37 per cent of the present revenues of the territory are derived from export duties and sales taxes on agricultural produce, but of course that, though a substantial percentage, is no measure of the dependence of the territory on agricultural production, as its importing capacity also depends very largely on the cash incomes of the producers. The financial future of the Southern Cameroons will thus be predominantly determined by the speed and extent of its future agricultural development. It was suggested to me by one of those whom I interviewed that only one-tenth of the potential has so far been taken up. I put this suggestion to the then Acting Principal Agricultural Officer (Mr. M.F. Fyfe) who commented as follows:

“It seems to me that the statement to the effect that only 10 per cent of the agricultural potential of the Southern Cameroons has so far been developed may be slightly misleading. If one accepts, as I think one must in reviewing a country’s agricultural potential, the fact that the people living in that territory are an integral part of the environment then I should say that at least 25 per cent of the maximum production has been achieved. The Southern Cameroons has a population of just over 800,000 in an area of 16,600 square miles or a population density of 48 to the square mile. The labour force is therefore pitifully small, whether one wishes to develop through estates or smallholdings. It would be possible, presumably, to import labour as has been done in other tropical territories in the past but I doubt very much whether such a step would be favourably contemplated. In the Bamenda area the cattle population has risen so steeply in the past few years that disputes between graziers and farmers are becoming increasingly numerous, would not give favourable indications of great expansion in that area. As to the

period which it might take to develop the major part of the potential I can make only the haziest estimate. Assuming a really vigorous policy on road construction and favourable conditions for capital investment I consider that it will take at least twelve years to double the present output.”

This cautious assessment constitutes in my judgement a sound basis for forecasting the financial future over the next decade. Taking this and other factors into account, I shall endeavour to indicate the probable level of the revenues of a separated Southern Cameroons in the year 1965-66 and in the year 1970-71. This can be no more than an exercise in probabilities, but it has a certain practical value for a territory situated as the Southern Cameroons is at present. I am aware that the present Ministers would like to have a prognostication of this kind.

20. *Pattern of agricultural development.* – A judicious combination of plantation enterprise and small-scale farming is well suited to local conditions and both have made and should continue to make important contributions to agricultural progress. Tea is the only cash crop grown in the Southern Cameroons (and this is yet in only small quantities, though it may have a considerable future) which can be regarded as essentially an estate crop and suited to cultivation by smallholders. Coffee should remain as predominantly a smallholder’s crop, though I understand from the Coffee Adviser that it might usefully be developed on estates in conjunction with rubber. Rubber is likely to be mainly an estate crop; there is scope for the development of rubber-growing by smallholders.

Two important matters require attention in connection with further development of plantations; these are (a) the planned use of land and (b) the labour supply. It is essential that land use should be scientifically planned so as to leave ample reserves for non-estate purposes. Already in the up-country grassland areas the interests of the smallholders and the cattle graziers have clashed and this problem would doubtless be aggravated by any wide extension of tea estates in those areas. The problem of the labour supply for new estates also calls for careful examination. This problem ought to receive particular attention if there is, as seems probable, any wide extension of the area given up to tea in the Bamenda highlands. The social and demographic problems which have arisen from the plantation economy of large parts of the Victoria and Kumba Divisions have received close study in recent years by members of the staff of the Nigerian Institute of Social and Economic Research (formerly the West African Institute of Social and Economic Research). The development

of plantations in these Divisions began as long ago as 1885, soon after the establishment of the German pro-tectorate, and the social effects of immigration in the Divisions concerned and the areas further afield from which the migrants have been drawn have been profound and given rise to not a few difficulties (6). This is no place to enter into details; my purpose is merely to stress the importance of the labour supply problem in the further development of plantations, particularly up-country. It is advisable that full use should be made of the knowledge which has been acquired in the course of the Nigerian Institute's studies and the further services of the Institute might be enlisted for advice on particular practical problems. Haphazard development should be avoided.

Note may now be taken of the present broad position in regard to plantation enterprise.

(a) *Cameroons Development Corporation*. – The Corporation is the lessee of some 250,000 acres, of which on 1st January, 1959 the crop acreages were as follows:

Bananas	14,965
Rubber	17,543
Oil Palm	18,146
Cocoa	1,114
Tea	238
Pepper	44
	52,050

Some 70,000 acres of the total area is considered unsuitable for development. In 1958 some 18,000 men were employed; of these 64 per cent came from Southern Cameroons territory (though many from inland tribes), 31 per cent from Nigeria and 5 per cent from the French Cameroons (7).

(b) *Pamol Estates*. – 9,600 acres at Bwinga and Lobe at present under bananas are being converted to rubber. There are 1,600 acres at Bai under rubber, with a further extension of 400 acres in progress. The exact acreage of the large oil palm estate at Ndian is not known to me, but it is judged to be about 12,000.

(c) *Elders and Fyffes*. – The 7,000-acre banana estate at Likomba is leased from the Cameroons Development Corporation and is due to revert to the Corporation in 1966. It is riddled with panama disease and it would seem desirable to put the land under some other crop, e.g., rubber, as soon as possible. 10,000 acres at Bovinga and 5,000 acres at Bekondo have recently been obtained from banana cultivation.

(d) *Cadbury and Fry Limited.* – This firm has a 1,200-acres estate at Ikiliwindi for cocoa growing. This was opened in 1956. 400 acres have been planted and 120 acres are being planted annually.

(e) *Estates and Agencies Limited.* – 5,000 acres were made available in 1957 at Ndu to this firm for development as a tea estate. Some 400 acres have been planted so far and new areas will be planted annually. This is an extremely significant development and may presage the time when all the suitable areas of the Bamenda highlands as indicated by Dr. Eden (6) will be under tea. These areas are a small fraction of these and there is little danger of tea estates unduly restricting the amount of land available for farming, grazing and other purposes, though the position should be carefully watched. It is to be hoped that the lead given by Estates and Agencies Limited will be followed by others as the placing of the suitable areas under tea would be beneficial to the people of the highlands and materially strengthen the economy of the Southern Cameroons.

(f) *The Southern Cameroons Development Agency.* – 5,000 acres at Santa were made available to the Eastern Regional Production Development Board for development as a coffee estate. The responsibility for the estate passed in 1954 to the Southern Cameroons Production Development Board which, in 1957, was succeeded by the present Agency. The enterprise was undertaken by the Eastern Regional Board at a time when coffee prices were high and there was no shortage of funds. The suitability of the land for large-scale coffee cultivation does not appear to have been adequately examined and the project was somewhat lavishly conceived. Some 625 acres have been planted with Arabica coffee. Much of the available land is unsuitable for coffee cultivation and with export prices at their present low level the estate is working at a loss. The future of the estate is therefore in doubt and is at present under consideration by the Agency.

Whatever the future of plantation enterprise in the Southern Cameroons may be, it seems clear that the greater part of the export crops of the territory will be produced by small holders. The local farmer is the major producer of the cocoa exported from the territory, in 1958 all but 275 tons of the 5,219 tons exported having been produced on smallholdings. There has been an enormous increase of the banana production farms, the number of stems marketed by the Bakweri Co-operative Union of Farmers having risen from 9,480 in 1952 to 1,346,181 in 1958. About 35 per cent of the palm kernel production comes from peasant producers, mostly in the Mamfe Division. Coffee too, both Arabica and Robusta, is almost entirely a peasant crop. Rubber, tea and palm oil are all at present estate-produced, but it is to be hoped that, side by side with the estate production of rubber, production by small holders, as in Malaya, will be developed.

This expansion of production by the local farmer owes much to the “extension” work of the Department of Agriculture and to the activities of the Co-operative movement. The development of Co-operation is perhaps the most remarkable economic development of the last decade in the Southern Cameroons. The development was initiated as recently as 1951 as a result of a memorandum written by a member of the Nigerian Co-operative Department for the Cameroons Development Corporation. The main purpose of the corporation in engaging was to organize thrift and savings societies and consumer societies among plantation employees, but the memorandum also dealt incidentally with the possibility of starting banana co-operatives among the farmers. The suggestions in the memorandum were enthusiastically taken up by Dr. Endeley and at a meeting on August 5, 1951 at which 24 persons were present the Bakweri Union of farmers was formed (9). Since then the development of co-operative societies has been rapid. These societies marketed during 1948 all the bananas produced on smallholdings, 52 per cent of the coffee crop, 33 per cent of the cocoa crop and 12 per cent of the palm kernel production. The various societies, primary, secondary and apex, advised and co-ordinated by the Co-operative Department, are rendering an immense service to peasant agriculture by providing facilities for finance, transport and marketing, encouraging higher living standards (e.g., the Bakweri Union’s scheme for improving rural housing), advising on improved agricultural techniques, inculcating and maintaining quality standards, and organizing and equipping campaigns against agricultural pests and diseases.

21. *Export crop prospects* (10). – Before looking at the prospects of the main export crops one by one, it will be useful to take note of the export figures over the past seven years; these are set out in the subjoined table.

Crop	1952	1953	1954	1955	1956	1957	1958
Cocoa (tons)	3,412	4,776	2,664	5,756	5,377	5,156	5,219
Banana (,000 stems)	5,747	5,893	5,666	4,395	4,594	4,715	4,655
Palm Kernel (tons)	-	4,379	5,069	4,732	4,578	4,358	5,066
Palm oil (tons)	-	2,475	3,938	5,832	5,458	5,919	6,198
Rubber (tons)	1,559	1,800	1,595	1,525	1,714	1,857	2,243
Arabica Coffee (tons)	-	-	230	320	463	1,062	1,265
Robusta Coffee (tons)	-	-	205	425	618	840	894
Tea (tons)	-	-	-	-	-	-	13

Note

The above figures do not necessarily correspond with the figures of exports through the Trust Territory ports, as there are other routes of evacuation. The figures for cocoa are taken from the monthly produce grading returns; for bananas from the annual reports of the Cameroons Development Corporation; for palm kernels and palm oil from the produce grading returns; for rubber from the annual reports of the Cameroons Development Corporation; for coffee from the purchasing firms; for tea from the Cameroons Development Corporation which owns the only tea estate at present in production. The rubber figures do not include the production from the Pamol Estate at Bai, which has not been ascertained and the Arabica coffee figures do not include the production from Santa Estate, which is expected to be 70 tons in the present year.

In the following sub-paragraphs the prospects of individual crops are reviewed.

(a) *Cocoa*.— The figures in the preceding table show a fairly steady growth of exports, with some set-backs; the following table which gives the five-year averages over the same period discloses a steady increase in production:

1952	1953	1954	1955	1956	1957	1958
3,140	3,618	3,028	3,965	4,397	4,746	4,834

As mentioned in the preceding paragraph, all but 275 tons of exports in 1958 came from smallholdings. It is estimated that the estate production of cocoa will increase in about ten years by 525 tons. The progressive increase in production by local farmers may be expected to continue. The Department of Agriculture has been selling improved cacao seedlings during the last five years, about 300,000 having so far been distributed an amount sufficient to plant 800 acres. In their review of the cocoa industry in Nigeria and the Cameroons Mr. D. H. Urquhart and Mr. G. A. Ross wrote as follows:

“It is no exaggeration to say that the Cameroons (that is the British Cameroons) could produce ten times its present production without any great effort. It could within a couple of decades become one of the important cocoa producers in the world. It has all the advantages of great areas of excellent soils, a favourable climate, a people who like to plant cocoa, and some excellent cocoa material already on hand.”

These experts estimated that within a few years the production could be raised to 16,000 tons. The Department of Agriculture considers that if all the cocoa farms in the territory were properly managed this figure could be reached in six years. It points out that the great majority of cocoa is not properly cared for and that several thousands of acres, which

could be brought into production in three or four years are lying derelict, the main reason for this unhappy state of affairs being lack of good communications.

Assuming a steady improvement in the road system, I consider that for the purpose of the revenue forecast with which this chapter is primarily concerned it would be reasonable, indeed cautious, to envisage that in 1965 cocoa exports will have risen to 8,000 tons and to 16,000 tons by 1970.

(b) *Bananas.*—As will be seen from the table at the beginning of this paragraph the total shipments of banana stems has declined from 5,747,000 in 1952 to 4,655,000 in 19511, but this decline is offset to a large extent by an improvement in the mean weight per stem. Thus the weight of banana shipments from the Cameroon Development Corporation estates in 1958 was 53,831 tons (or 3,011,115 stems; in 1953 the weight of 3,846,585 stems was about the same (54,077 tons). There has been in recent years an enormous increase in the non-estate acreage of bananas. Bananas are an attractive crop for the small farmer as the return is yielded in the year after planting; this is not of course the case with any of the other export crops. Nevertheless, although some increase in exports over the next two or three years may be expected, it would be rash to assume that any such increase would be permanently maintained. The position is summarised in the following extract from the memorandum on crop prospects supplied to me by the Department of Agriculture:

“There are two widespread and extremely serious diseases, which have taken an increasing toll over the past two years both on estates and native farms. One is a fungus disease of the leaves commonly called Sigatoka (*Cercospora Musae*) and the other a soil-borne fungus known as Panama disease (*Fusarium oxysporum*). The later disease cannot be controlled by treatment and at present large acreages of banana land, particularly on the Tiko plain, are being abandoned owing to its ravages. It is only a question of time before the concentration of the disease reaches a pitch where cultivation of the present type of banana becomes impracticable in all but a few areas. There are varieties of the banana which are very resistant to thus fungus and they have been introduced into the territory on an experimental scale. At present the Cameroons Development Corporation has 350 acres of the Lacatan variety but even though problems of shipping and spraying against Sigatoka (to which the Lacatan is particularly susceptible) are overcome, it will be several years before sufficient Lacatan plants can be produced to replace the Gros Michel which are at present being cultivated. Control of the leaf spot disease is

feasible by spraying at regular intervals with a fungicide either from an aircraft or from the ground. It is feared that relatively few of the native farmers will be prepared to invest sufficient money in spraying equipment and fewer are likely to be persuaded of the vital importance of regular supervision. Lastly, the banana is an exhausting crop and requires its diet to be supplemented by the addition of fertilizers once the original organic matter has been consumed. In far too many instances have local farmers planted bananas on totally unsuitable soils only to abandon their farms after taking one or two crops of fruits. There is a limit to the amount of land which can be treated in this way. With regards to the estates, much of the former banana land in the south of Victoria Division is being replanted with other crops due mainly to the inroads made by Panama and partly to the fact that these areas have already supported bananas for a very considerable time. It is to be hoped that this loss will in some part to be compensated for by the opening up of new estates in other parts of Victoria Division and the south of Kumba Division. Elders and Fyffes have recently acquired two separate areas totalling 15,000 acres and there is the possibility of expansion in the Bakossi area. Much will depend on the success which varieties resistant to Panama disease meet in the coming years. If it proves feasible to replace the Gros Michel industry over a long period with the Lacatan or other resistant varieties the a very big problem would have been overcome. It will be even more important, however, to exercise rigid control of the leaf spot disease Sigatoka and with this in mind it is difficult to see how the present exports can be increased. It will be hard enough to maintain them.”

For the purpose of my financial forecast it would be inadvisable to assume any increase in the revenue from bananas.

(c) *Oil palm produce.* – Rather more than one-third of the kernel production is supplied by peasant farmers; the remainder of the kernels and all the palm oil comes either from the Pamol estate at Ndian or from the Cameroons Development Corporation estates. The Corporation has rather 18,000 acres planted with oil palms and the acreage is being steadily increased. Estate production should show a gradual increase over the next ten years. There is plenty of scope for new oil palm plantations. The cultivation of the oil palm does not as yet have a strong appeal to the indigenous producer.

I am advised that a target of 10,000 tons of oil and 8,000 tons of kernels could be reached in ten years and I have adopted this forecast as the basis of my related revenue forecast.

(d) *Rubber*. – Over the past four years the Cameroons Development Corporation has been planting an average of 850 acres a year and has a programme of 1,100 acres for the current year. This planting is for the most part on old banana land in the Tiko plain. Pamol intend to convert to rubber some 8,600 acres of their land at Bwinga and Lobe. The present acreage of mature rubber is probably about 13,000, but by 1960 the total acreage, both mature and immature, will probably be double that figure. So far there is no non-estate production of rubber, but the Director of Agriculture in association with the Bakweri Co-operative Union of Farmers is hoping to establish an indigenous industry, particularly among those farmers who have planted bananas on unsuitable soil. Next year it is proposed to sell at a heavy subsidized price, a large number of 19,000 seedlings raised from a good clone at Banga. So far the response has not been encouraging, doubtless owing to the long interval between planting and profitable production, but the Department hopes to demonstrate that a profitable peasant industry can be established here as elsewhere. The Rubber Superintendent of the Cameroons Development Corporation (Mr. K. G. Kill), who has had experience of the industry in Malaya, is a firm believer in the value of this kind of development.

The Department of Agriculture considers that it would not be over-optimistic to expect a production of 8,000 tons of rubber by 1970 and that is the figure I have adopted for my revenue forecast.

(e) *Coffee*. – Coffee growing is an infant industry with a prospect of considerable expansion. Robusta coffee is at present grown almost entirely in the southern divisions; while Arabica production is confined to the Bamenda highlands. The Coffee Adviser (Mr. Jervis) considers that the Bamenda area is very suitable for Robusta and steps have been taken to encourage the farmers there to cultivate this sturdier plant, which, though producer a lower-priced coffee, makes up for this by a higher yield. A great deal of the coffee grown in the Bakossi area is sold in the French Cameroons, partly because the area borders that territory and partly because the prices there are better. The Mamfe Division is considered to be well suited for a large-scale development of Robusta coffee production by small farmers.

The Department of Agriculture considers that the production of Arabica should reach 4,000 tons in ten years; their estimate for Robusta is 10,000 tons, but the Coffee Adviser regards this as excessively cautious; he mentions 20,000 tons as a more likely figure. For the purpose of my financial forecast I have adopted 4,000 tons for Arabica and 12,000 tons for Robusta.

(f) *Tea*. – Manufacture began in April 1958 at the Tole Estate near Buea, which is one of the Cameroons Development Corporation plantations. The Corporation intends to develop this estate at the rate of 100 acres a year over the next five or six years, achieving a total of 1,000 acres by 1967. The tea estate at Ndu opened by the Estates and Agencies Limited should start production from the area already planted in two or three years. Tea is essentially an estate crop and the further development of tea production in the Bamenda highlands will depend on the general conditions being such as to attract outside capital. If the conditions are favourable, a rapid development in the area is likely. The Department of Agriculture expects that tea production in ten years will be of the order of 1,200 tons a year. I mention this figure as a matter of interest but, as tea does not at present pay either sales tax or export duty and as it would be unwise to consider taxation of this kind until the industry is well established, I have not taken the expected increase in tea production into direct account in my revenue forecast.

22. *Forestry and the timber trade* (11). – Within the last four years the export trade in logs has undergone a remarkable expansion which has been reflected in a substantial increase of revenue, as the following figures illustrate:

	1956-57	1958-59
	£ £	
Forestry fees and royalties	6,517	83,858
Export duties on timber	6,331	45,208

The expansion began in 1955 when the grant of a Concession Agreement to Messrs Kamerun Limited for 170 square miles of forest reserves in the Kumba Division, but it is in the unreserved forests of the Victoria Division that the main exploitation has been carried out. Three timber companies, Kamerun Limited, Coast Timber (Cameroons) Limited and Brandker and Rylke (Cameroons) Limited (known as the K.C.B. consortium) were granted licences to exploit 1,083 square miles of unreserved forest. Their operations under this licence have been successful and profitable, largely owing to the availability of large quantities of high-quality obeche, a timber in special demand in overseas markets, but unfortunately the high hopes which were entertained of working these areas for at least ten years have not been realized. The high-quality obeche in the area is now almost completely exploited, only the least popular hardwoods and lower-quality obeche being left. The further plans of the timber companies are not fully known, but interest has been expressed by them and other timber interests

in working the extensive forests, reserved and unreserved, in the Mamfe Division. Recently a licence was given to a new operator, trading as the Swiss Lumber Company, to work 73¼ square miles in the Kumba Division.

The recent 'boom' conditions cannot continue for long. Those conditions are attributable to the presence in large quantities of a timber much in demand in unreserved forest at a convenient distance from the seaboard. As operations move inland and the less popular timbers only are available, conditions grow less favourable. The level of forest revenues (fees, royalties and export duties) noted at the beginning of this paragraph will fall in 1960-61, probably by about one half. In the opinion of the Forest Department the revenue from fees and royalties, half of which in any case goes back to the Native Administrations, cannot be expected to exceed £40,000 unless concessions are given in the Mamfe forest reserves, when the revenue might conceivably rise to about £50,000. Moreover, in reserve forests regeneration must follow exploitation and this will necessitate expenditure at least as great as the revenue derived from exploitation. The reserve forests cannot therefore be an important revenue-yielding asset over the next few years; they will cost as much as they earn. That is not to say, however, that they do not constitute a vital economic asset. The 2,312 square miles of forest reserves in the Southern Cameroons (which is about 14 per cent of the total land area) must be conserved, on the basis of sustained yield, in the interests of future generations.

The Forest Department in the Southern Cameroons has hitherto been mainly interested in the establishment and conservation of adequate forest reserves. Once these are established, the unreserved areas become available for exploitation without replacement. This does not of course represent merely the destruction of an asset, since such exploitation is normally followed by agricultural development. The timber operators not only open up the country in this way, but the roads that they construct for their own purposes confer important social and economic benefits to the community.

23. *Cattle*. – The Fulani-owned cattle in the grassland areas of the old Bamenda Province are an important element in the economy of the territory, though the full economic potentialities have still to be developed. The Fulani owners are not cattle traders, nor are they meat eaters; in general they dispose of their cattle to traders, mostly Hausas, only when they need money for tax, cloth, salt and corn and the cattle so disposed of are sent on the hoof to meet the needs of the more southerly parts of the territory and of Eastern Nigeria. In the past there was ample grazing land

for the nomadic herds which migrate seasonally from the high altitude wet season grazings to the lower dry season grazings. With the development of coffee growing by the Bamenda farmers, which has meant that the women, who attend to the food crops, have had to go further afield, a grazier-farmer problem has arisen and this has created difficulties and friction. Clearly this problem will grow more acute, if, as is to be hoped, tea plantations are opened up and coffee is more extensively grown. The need for the planned use of land in the highlands, the stricter enforcement of grazing and fencing regulations and the encouragement of mixed farming is obvious.

A tax of 5s per head of cattle is levied, of which 4s-6d accrues to the Native Administrations and 6d to the Government. The actual Government revenue in 1958-59 from this source was £6,650; the revenue of the Native Administrations in the grassland areas from this source must therefore have been £59,950, a useful addition to local government income in those parts.

The trade in hides and skins is small, the main purchasing firm buying no more than some 30 tons annually. This trade should receive a marked impetus from the recent establishment by the Veterinary Department of a central abattoir in Bamenda, the meat being sent to the consuming areas in the south of the territory by refrigerated van. This scheme has only just begun and it is premature to forecast the revenue which will be derived from it; indeed it may not continue indefinitely as a section of the Veterinary Department. Nevertheless, for my revenue forecast I have assumed that by 1965 the revenue will be £5,000 and by 1970 £10,000, which is a very conservative estimate of the profits likely to be made by the scheme. It seems probable that the present small export trade in hides and skins, which yields at present in revenue rather less than £400 a year, will in time be substantially increased. In view of the uncertainties and the difficulty of measuring the rate of growth I have not taken this possibility into account in my financial forecast.

24. *Fisheries.* — So far the territory's fisheries have not been economically important, but there has recently been a promising development, of which note should be taken, even though for some years it can have no significant revenue implications. A new company, Cameroons Fisheries Limited, has been formed. This company absorbs the West Coast Fisheries, which in recent years has been exploring Cameroons fishing grounds with a 50-foot trawler. A second larger trawler is to be purchased and it is intended to establish a cold storage and ice plant on the coast. Distribution to the main centres of the population will be by means of road transport carrying

insulated containers. The Southern Cameroons Development Agency is taking up 56 per cent of the issued share capital, with the proprietor of the former enterprise holding the remainder.

25. *Cameroons Development Corporation.* – The relatively small direct ‘net profit’ contributions which the Corporation has made in the past to the revenues of the Southern Cameroons should not be allowed to obscure the fact that the economy of the territory is immensely strengthened by existence and activities of the Corporation. The economic health of the territory and the financial viability of the Southern Cameroons Government are dependent in no small measure on the continuance and further development of this great organization. This merely expresses in somewhat different words the view of the International Bank Mission in its Report on the Economic Development of Nigeria:

“The Mission wishes to record the opinion that the establishment and operations of the Corporation have been of great benefit. It has made available the economic and technical advantages of plantation production, has provided for the social and educational welfare of its workers and the earnings of the enterprise it has built up will continue to contribute to the development of the Southern Cameroons.”

By the terms of the Ordinance establishing it the Corporation was empowered to undertake a wide range of activities in addition to its primary task of bringing the lands leased to it under cultivation. These include the importing and exporting of all kinds of merchandise and produce, the operation of wharfs and shipping agencies, ship owning, manufacturing, building, fishing, farming and stockbreeding. It was also empowered to provide for the religious, educational and general social welfare of its employees by the establishment of hospitals, schools, dispensaries, reading rooms, baths, places of recreation and similar institutions and amenities. Research and training connected with its functions were also within its competence. As at present constituted, the Corporation is thus much more than an ordinary commercial plantation enterprise; by virtue of its great size, its wide range of responsibilities and the non-commercial character of some of its functions (e.g., schools and hospitals) it is almost ‘a state within a state’. This is illustrated by the following facts:

- (a) Between 1st January, 1947 and 31st December, 1955 the Corporation spent on fixed assets about £5.4m of which £1,455,000 was spent on housing for junior staff, schools, hospitals, and welfare.

- (b) The actual and estimated capital expenditure between 1955 and 1960 is £3,546,000, which exceeds the corresponding figure of capital expenditure by the Southern Cameroons Government by nearly £1m.

It is obvious that in any assessment of the economic and social progress of the Southern Cameroons since 1947 the achievement of the Corporation would bulk large. Its activities have been in many ways complementary to those of the Government; thus the establishment of the two port areas at Bota and Tiko at considerable capital cost (e.g., the cost of the new quay at Tiko was of the order of £400,000) was work which would normally be a Government responsibility.

Put simply, the reason why the direct contributions made to local revenue have been relatively small is that the Corporation, having been formed without permanent finance capital, ploughed back most of its profits, which in the early years of high and undamaged banana production were very large, into development, thus avoiding during that time the necessity of borrowing. The Southern Cameroons has reaped and will continue to reap economic benefits from this policy. When this relatively 'golden age' ended, the Corporation found itself under the necessity of raising finance by borrowing from the Federal Government and the Banks. This ad hoc method of finance was by its nature unsuited to long-term plantation development in cash crops, all of which, except bananas (on which the Corporation was initially excessively dependent) require a period of years in which to mature. Since 1956 there has been a prolonged examination of the problem of reorganizing the capital structure of the Corporation. Finality has not yet been reached but the probability is that proposals involving the injection of £3 million of external capital will be adopted by the several authorities concerned. If and when these proposals materialize the revenues of the Southern Cameroons will stand to benefit by an assured £40,000 a year and a probable additional £105,000 a year over and above any net profits which may be made; such net profits are likely to be inconsiderable during the next few years. I have taken into account in my financial forecast the addition to revenue referred to above.

26. Southern Cameroons Development Agency: Southern Cameroons Marketing Board. – Note must be taken of these two important elements in the economy of the Southern Cameroons and it is appropriate that they should be mentioned together, since the basic finance available to the Agency have been derived from Marketing Board funds. The primary purpose of the marketing board system built up in Nigeria, originally on an all-Nigerian

basis, in the immediate post-war period, was the stabilization of the prices of certain produce (cocoa, oil palm produce, cotton, etc.) to the producers, absolutely within a buying season, and, as far as possible, from year to year, though prices were of course adjusted upwards or downwards for each season, if necessary, according to market conditions, actual or prospective. The furtherance of schemes for the economic benefit of the producers and the areas of production was also an important, though secondary, purpose of the system and, as instruments for effecting that purpose, the Regional Production Development Boards were created as independent bodies receiving their basic finance from the Marketing Boards. The Southern Cameroons Development Agency is the successor-body of the Southern Cameroons Production Development Board which took over the Southern Cameroons responsibilities of the Eastern Regional Production Development Board in 1954, though the Agency has wider powers than the body which it succeeded. The normal and natural source of finance for the Agency is thus the Board, though the Agency is not precluded from drawing finance from elsewhere. The ability of the Board to finance the Agency depends of course on its own trading results from year to year and its reserves have been reduced substantially in recent seasons by the support which has been given to the price paid to the producer for cocoa. The funds available for the Agency have thus become unduly restricted for its wide range of purposes; in particular the amount available for issue as loans to private individuals through the Divisional Loan Boards is absurdly small in relation to the needs of the territory. The future financing of the Agency is thus a matter calling for attention by the Southern Cameroons Government, but it is not a problem arising from separation and does not call for discussion in this report. Both the Agency and the Board are already distinctively Southern Cameroons bodies and there is no inherent reason why they should be affected by separation.

27. *Retail trade: transport.* — The general retail, distributive and transport trade of the Southern Cameroons is very largely in the hands of Nigerians, mostly Ibos. An estimate furnished by the Southern Cameroons branch of the Federal Ministry of Commerce and Industry is that, leaving the expatriate firms out of account, the percentage of overall general retail trade in the territory carried out by Nigerians is as high as 85. The interest of the two main expatriate firms (the United African Company and John Holts (Liverpool) Limited) in retail trade is limited and is incidental to their main activity as importers of merchandise, which is the wholesale supply to the small shopkeepers and market traders. The small traders do not, however, buy solely from these firms. There is, in spite of the long distances involved and the difficult nature of some sections of the roads,

a continuous stream of lorry traffic over the western border mainly to supply the markets of the Mamfe, Wum, Bamenda and Nkambe Divisions, which between them contain some 70 per cent of the total population of the Southern Cameroons. These lorries return to Nigeria with surplus produce of the Northern areas and passengers carried at very low fares. The transporters are not normally the same people as the traders but they too are for the most part from Eastern Nigeria. These Nigerian traders and transporters, who are known as 'strangers' by the Cameroonians, do not as a rule settle permanently in the Southern Cameroons; indeed it is difficult for them to do so as they cannot in general acquire land; most of the money they make is remitted to Eastern Nigeria.

The Southern Cameroons Government is naturally interested in encouraging Southern Cameroonians to go in for trade more than they do. Hitherto, the Southern Cameroonian has been a hunter and farmer and shown in general a distaste for trading, though this distaste seems to be less marked in the highlands than in the more southerly parts.

At the present time the Nigerian trader and transporter, venturesome and enterprising as he unquestionably is, is playing a very useful part in the economic life of the territory. It may be that separation with the resultant establishment of Customs posts on the Western border may tend to discourage his activities. This would be unfortunate and it seems to me therefore all the more important that no policy in restraint of the freedom of trade in other respects or of the free movement of traders should be adopted by the Government of a separated Southern Cameroons. The replacement of Nigerian by local trading enterprise should be a process of natural evolution; it should not be effected by governmental action without a diminution of services to the general public and injury to the economy.

28. *Land tenure and registration.* – I mention this subject as one which will repay expert investigation. It was represented to me by the Banks and others that the issue of loans to farmers and traders for development would be much facilitated if land held under a registered title could be offered as security.

29. *Revenue forecasts.* – Taking into account the projections given in this chapter of the future exports of agricultural and forestry produce and the beneficial effect on other sources of revenue which will result from increased production and exports, I estimate that the revenues of the Government of a separated Southern Cameroons will be of the following order:

£	
1965-66	3,277,000
1970-71	4,393,000

I need hardly emphasise that these estimates, though framed on a conservative basis, make certain important assumptions, notably:

- (a) that current market prices of produce will remain stable;
- (b) that the present rates of taxation will continue in force;
- (c) that the territory will be able to raise by loans or otherwise the major part of the capital expenditure required for the development of basic services, especially roads;
- (d) that the machinery of Government, particularly the revenue-collecting machinery will be equal to its task; and
- (e) that the general civil state of the territory will be favourable to enterprise, internal and external.

In contrast with the estimate of £2,391,000 given above (paragraph 10) of the hypothetical revenue for 1959-60 of a separated Southern Cameroons, the figures may seem sanguine and suggest great affluence, but such a suggestion would be seriously delusory. According to the estimate of hypothetical recurrent expenditure for 1959-60 given above (paragraph 10), separation would mean a virtually immediate gross addition of about £746,000. Allowance must be made not only for a gradual expansion of the existing services, but also for the taking over of new services, e.g., the services rendered by the Nigerian Ports Authority at Bota and Tiko, the non-commercial services performed by the Cameroons Development Corporation which, on the reconstruction referred to above (paragraph 25) will presumably have to be taken over by Government. There will also be the charges on the loans which it would be necessary to raise to improve the road system and possibly other basic services, e.g., Posts and Telegraphs, and the acquisition and development of the installations owned by the Electricity Corporation of Nigeria. A revision of salaries and wages is impending and this may result in a substantial additional burden. The Government of a separated Southern Cameroons will be faced from year to year with many financial problems; the most careful planning of progress together with stringent economy of method will be required; but my forecasts point to the broad conclusion that in reasonably favourable conditions the financial resources of the Southern Cameroons are potentially sufficient to meet the non-capital needs of the territory after separation.

CHAPTER IV – ADMINISTRATIVE CONSEQUENCES AND PROBLEMS

30. *Purpose and scope of chapter.* – This chapter is written in the hope that it will be of some use to those authorities and persons who will be responsible for handling the practical problems of separation between the decision to separate and the actual date of separation and indeed for some time afterwards, as it will clearly be impossible to dispose finally of all the problems by the date of separation. The soundness of the financial prognostications in Chapters II and III can only be tested empirically and over the years; the problems dealt with in this chapter are of definite and immediate practical type and must be tackled energetically and effectively if the new political entity is to emerge in a reasonably healthy condition from the difficult transitional or ‘tiding-over’ period. Although the problems are properly described as ‘administrative’ since they relate to matters of organization and arrangement involving more than finance, they all have, though in varying degrees, an important financial content.

Necessarily I can do little more than point out the problems, describe their character and scope and suggest a machinery for handling them. All of them will require for their settlement consultation between, and ultimate decisions by, various authorities, particularly the Government of the Federation and the Government of the Southern Cameroons, whose interests in the various matters do not necessarily coincide.

31. *Limited time available for settlement of joint problems.* – By ‘joint’ problems I mean those problems which can only be settled in consultation between the Federal Government and the Southern Cameroons Government and, in some measure, Her Majesty’s Government as the Administering Authority. The time available for well-considered settlements of the various matters at issue is all too short. My advice is this, as soon as possible after a firm decision for separation has been made, a joint commission be appointed, consisting of two members appointed by the Federal Government and two members appointed by the Southern Cameroons Government with a neutral chairman appointed by the Administering Authority and an experienced official as secretary: this commission to work within the framework of directives on the major issues of policy. It is inevitable that these directives should be made by the Federal Government as they will relate to issues of policy which only the Federal Government or the statutory corporations under its guidance can decide; the issues requiring such directives are indicated later in this chapter. It is important that the directives in question should be framed as soon as can

conveniently be arranged: this in order to avoid any unnecessary delay in the commencement of work by the commission. The whole object of this advice is to safeguard against the extreme and extremely detrimental confusion which will inevitably result if important questions remain unsettled when separation takes place.

32. *The problems.* – The major administrative problems which will require settlement as a consequence of separation are those limited below. All are in some degree joint problems; those starred will require policy directives or decisions by the Federal Government and/or the Federal statutory corporations concerned.

- (i) Replacement of Federal services*
- (ii) Federal assets, fixed and mobile*
- (iii) Defence
- (iv) Currency*
- (v) Public Debt*
- (vi) Electricity Corporation of Nigeria*
- (vii) Nigerian Broadcasting Corporation*
- (viii) Nigerian Ports Authority*
- (ix) Federal institutions of higher learning*
- (x) Nigerian Institution of Social and Economic Research*
- (xi) Research and training
- (xii) Staffing of the present Southern Cameroons departments
- (xiii) Customs and Excise*
- (xiv) Nigerian Airways*
- (xv) Constitutional arrangements

33. *Replacement of Federal services.* – The following Federal services have projections or sub-departments in the Southern Cameroons; apart from the payments, totalling £14,600, made by the Southern Cameroons Government towards the cost of the collection of Customs and Excise duties and Personal Income Tax, the contribution of £75,000 towards the pensions of officers in the Federal Public Service(1) and £1,000 paid for training courses, these are financed at present entirely from Federal revenue and their ultimate control is vested in their respective headquarters in Lagos.

Prisons

Police

Labour (Labour Division, Federal Ministry of Labour)

Commerce and Industries (Federal Ministry of Commerce and Industry)

Civil Aviation (Aviation Ground Services Division, Federal Ministry of Communication and Aviation)

Meteorology (Meteorological Division, Federal Ministry of Communication and Aviation)

Geological Survey (Federal Ministry of Lagos Affairs, Mines and Power)

Posts and Telegraphs (P & T Division, Federal Ministry of Communication and Aviation)

Customs and Excise (Board of Customs and Excise, Federal Ministry of Finance)

The Federal Board of Inland Revenue collects Personal Income Tax for the Southern Cameroons Government and Company Tax derived from the Southern Cameroons (which is, under the present revenue allocation system, retained by the Federal Government), but it has no branch in the Southern Cameroons; it operates from its headquarters in Lagos.

The replacement of these services by Southern Cameroons services is the major administrative problem associated with separation. The number employed in the services at present Federal operating in the Southern Cameroons is 949, of whom 718 are Cameroonians, 212 Nigerians and 19 expatriates. The taking over of the Prisons Department, which is largely staffed by Cameroonians, should present little difficulty. The Police Force in the Southern Cameroons is also very largely manned by Cameroonians and here too there is no great problem involved in taking over, though it should be noted that the present Force which can now be reinforced as necessary from the Federation, is not adequate for dealing with serious emergencies and will need to be strengthened by the creation of an emergency reserve (see relevant footnote in Appendix III). The labour projection of the Federal Ministry of Labour in the Southern Cameroons comprises a staff of 14, 1 European, 5 Cameroonians, 7 Nigerians and 1 Ghanaian. Its replacement is a difficult problem, though it is a problem on a small scale; if some temporary reduction of present activities is accepted as inevitable, this too could become a Southern Cameroons department on separation. The Southern Cameroons branch of the Federal Ministry of Commerce and Industry came into being only a few months ago and consists of 1 Commercial Officer, 1 Clerical Assistant and 1 Messenger. I assume that on separation this branch will close down; commercial and industrial matters could for the time being be handled in an economic section of either the Premier's Office or the future Ministry of Finance. As noted in Appendix III, special arrangements will be necessary to provide for Civil Aviation and Meteorological Services, both essential but in their Southern Cameroons connotation too small to admit of the establishment of self-contained departments and by their nature in need of guidance and supervision from a major centre. Similarly the establishment of a separate Geological Survey department for the Southern

Cameroons would be out of keeping with requirements; this is essentially a research service which the relevant Federal Ministry might be prepared to continue on an ad hoc and payment basis; alternatively, the services could be interrupted for a time while the Southern Cameroons Government decides what arrangements to make for its future.

The real problem arises in connection with the remaining services, Posts and Telegraphs and the revenue-collecting services (Customs and Excise and Inland Revenue). The fact must be faced that it is a physical impossibility for the Southern Cameroons Government to take over the services at the time of separation. Trained staff is simply not available locally to fill all the posts; to build up complete replacement services would in my view take at least two years. Of the total present establishment in the Post and Telegraphs projection in the Southern Cameroons, 6 are expatriates, 57 are Nigerians and 129 are Cameroonians. The present strength (2) of the Customs and Excise service in the Southern Cameroons is 172, of whom 1 is European, 83 Cameroonians and 61 Nigerians, but of the Technical Establishment of 19, only 5 are Cameroonians. Nearly 75 per cent of the present revenue of the Southern Cameroons is collected by the Federal Customs and Excise service; after separation the proportion of this revenue will be even higher; and the need for the efficient collection of duties on the border between Nigeria and the Southern Cameroons, itself an entirely new service, is obvious from the information given above (paragraph 8). The Board of Inland Revenue at present collects Income Tax, both personal and company, at little cost; the establishment of a small department in the Southern Cameroons would be disproportionately expensive and would in any case take a year or two.

What then is to be done to meet the extremely disturbing prospect which these facts disclose, a prospect of the Southern Cameroons being left without postal and telegraph communications (or a broken-down and inadequate system of such communications) and without the necessary machinery for the collection of the major part of its revenue, on which its very life as a political unit will depend? The importation of a considerable number of trained men from overseas to fill the intermediate cadres is not a practical arrangement, even if they could be obtained; the quarters do not exist for such staff and other difficulties would be likely to arise. The only available safeguard in my view against a breakdown in the postal and main revenue collecting services will be for the Federal Government to agree to continue these services on a paid agency basis until such time as a separated Southern Cameroons can build up its own services in replacement. It must be admitted that for the Federal Government to

agree to this would be a considerable and magnanimous concession to a territory which has decided to break away from the Federation. It must also be recognized that, even if the Federal Government were disposed to act in this highly cooperative fashion, there would be serious practical difficulties to overcome. The most notable of these is the fact that in general members of the Federal Public Service cannot be compelled to serve outside the legal boundaries of the Federation; this is, I am advised, implicit in their terms of service, an implication made all the clearer by the inclusion of the obligation to serve abroad in the terms of service of those for whom such 'foreign' service is necessary, e.g., members of the armed forces and of the diplomatic service. Service by Nigerians (and expatriates) in the continued Federal services which are necessary to avoid a breakdown in the essential machinery in the new political entity must therefore be voluntary and it may well be necessary for the Southern Cameroons Government, in order to secure this indispensable aid, to offer attractive 'foreign service' inducements.

My hope and advice is therefore that the Federal Government will give a policy directive that, in the event of separation, arrangements for the continuance of certain Federal services as agency services on payment for appropriate periods should be made, the details of such arrangements being left for the joint commission to work out. If such a directive were given, an obligation (which would doubtless fit in with its inclination) would rest on the Southern Cameroons Government to bring the arrangements to an end at the earliest practicable date and it might well be aided in doing this by the Administering Authority, which would presumably be able to arrange for expert advice to be given and some temporary expert staff to be provided.

34. *Federal assets, fixed and mobile.* – There has been, so far as I know, no pronouncement by the Federal Government as to its attitude on this subject but I have seen in a Federal official paper a reference which suggested that a severe policy might be contemplated; a transfer on valuation of the fixed assets created by Federal expenditure and the removal from the Southern Cameroons of all mobile assets bought with Federal money. This suggestion raises questions of great difficulty and importance; difficult because of the complicated legal and constitutional considerations involved and important because it would be a crippling burden on the new state if it were required to accept obligation to pay the value of existing Federal fixed assets and to meet the cost of replacing the removed mobile assets. Before considering these questions, I ought to explain that in my view assets belonging to the public utility statutory corporations

such as the Electricity Corporation of Nigerian and the Nigerian Ports Authority are in a category different from Federal Government assets. If and when the Southern Cameroons assumes responsibility for electricity and harbour services, it would be proper for payment to be made to the related corporations, who are the present legal owners, for their installations at the then valuation.

Turning first to the legal and constitutional considerations, I do not regard myself as qualified to pass a judgment on these, but the best advice available to me is that the constitutional position was determined by section 220 of the Nigeria (Constitution) Order-in-Council, 1954, which provided that the Governor-General by regulation should make provision for apportion among the Federation, the Regions and the Southern Cameroons the assets and liabilities as at 30th September 1954, of Nigeria and the former Regions. In accordance with this provision, the Governor-General made the Apportionment of Assets and Liabilities Regulations, 1954. Regulation 3 provided that all rights in lands or buildings in a Region or the Southern Cameroons which, immediately before the appointed day, were vested in Her Majesty should, as from the appointed day, be held for the purposes of the Governments of the Regions, or the Government of the Southern Cameroons, as the case might be, except any rights in lands and buildings to which the provisions of sub-regulation (4) of the Regulation applied. Sub-regulation (4) set out the rights in lands and buildings which did not vest in a Region or the Southern Cameroons and these included rights in lands and buildings used or held for purposes which would thereafter be Federal purposes. The effect of this provision was that land and buildings in the Southern Cameroons were vested in Her Majesty, some on behalf of the Southern Cameroons Government and some on behalf of the Federal Government. It follows that, in the event of the Southern Cameroons ceasing to be administered as part of the Federation, it will be necessary to 're-apportion' those assets that relate to Federal purposes. This necessity is not in question; the basic question is whether such reapportionment should be accompanied by a claim for the payment of the value of the former Federal assets retained by the Southern Cameroons. It will be noted that the fixed assets are necessarily retained since roads, land and buildings cannot be removed. This at once raises the question whether revenues derived from the Southern Cameroons have or have not contributed to the creation of those assets; in other words, whether the Southern Cameroons over the years between the conferment of the Mandate in 1922 and the present time is a net debtor to, or a net creditor of, the rest of the Federation. An elaborate statistical exercise was recently undertaken by the Government

Statistician, Lagos, to ascertain the position in this respect and this exercise served to establish at least that over the whole period the rest of the Federation is not a net debtor to the Southern Cameroons. The actual extent to which the Southern Cameroons has been subsidized during the period has not in my opinion been established and, if there were to be a strict financial settlement, either on the basis of payment of Federal assets or compensation for the aggregate subsidy, it would be necessary in my opinion for the work already done to be independently reviewed, particularly that which relates to the period since 1954. It is a problem of great complexity, so much depending on how attributable revenue and expenditure is calculated. The volume and value of imports across the western border are virtually unascertainable figures, a fact which complicates the issue. It seems certain the methods employed in applying the Chick formula, in itself unexceptionable, resulted in an under-assessment of attributable revenue and it is not unlikely that they resulted in an over-assessment of attributable expenditure. If that view is correct, it might be found that the Southern Cameroons was to some extent a creditor of the Federation in respect of the period between 1954-58; that it produced revenue more than it received by way of grants and expenditure.

It seems to me, however, that these attempts to relax expenditure on a particular area to revenue derived from that area are an unfruitful exercise, even if all concerned were agreed on the validity of the methods adopted for calculating revenue and expenditure. The debtor-creditor relationship in such a connection is surely an unreal conception. The Federal Government did not exist before 1954 and what happened when Nigeria (including the Southern Cameroons) was a unitary state or, since the Richards Constitution, a unitary state with increasingly devolutionary modifications cannot in my view create any claim for or against the Federal Government. The establishment of the Federation representation a settlement under which the assets created by the earlier, more or less unitary Government were apportioned between the component parts of the Federation, that is, Regions, the Southern Cameroons, and the Federal Government. Even after the establishment of the Federation, the Federal Government in its all-Nigeria responsibilities, as distinct from its responsibility for the small area of Federal Territory, belongs to the whole country; in that sense it is part of the machinery of government for the Southern Cameroons (as for the rest of the country). It therefore seems odd, if not fundamentally mistaken, to think of one essential part of the government machinery as being either a debtor to, or creditor of, another part. Unevenness of development as between different parts of a large state (or indeed of any sizable area) is inescapable. The fact is that the

Southern Cameroons has been, and still to some extent is, one of the less developed, more backward areas embraced within the Federation. Whether more or less has been spent on it in relation to its attributable revenue than was spent on other backward areas, e.g., Ogoja Province or the Rivers Province, or how its treatment in that respect compares with that of one of the more developed areas, e.g., the Province of Ibadan or of Kano, are matters beyond reliable determination. It is also pertinent to enquire whether the introduction of a new political order by due constitutional process ought to give rise to claims and counter-claims relating to matters done under the former political order.

The special status of the Southern Cameroons as a Trust Territory is not without some bearing on the foregoing arguments. Trust Territories do not form part of the territory of the states entrusted with their administration. The Southern Cameroons is not, and has never been, a part of Nigeria; it has only been administered as part of Nigeria. This arrangement was made not by the will of either Nigeria or the Southern Cameroons, but as a result of decisions made, after the First World War, by the League of Nations and the Mandatory Power and, after the second world war, by the United Nations and the Administering Authority. Due weight will doubtless be given to these facts and their implications if the political separation of the Southern Cameroons is made the basis of a financial claim by the Federal Government for the value of Federal assets sited in the Southern Cameroons.

I have advanced the above facts and considerations with reluctance and diffidence and against the background of my firm conviction that the questions at issue do not belong to the field of law or accountancy but to the field of policy and statesmanship. If the Southern Cameroons exercises its unquestionable constitutional right to leave the Federation, it is important not only to the people of the Southern Cameroons but to all with an interest in this part of Africa (the United Nations, the Administering Authority and the adjacent Federation) that the new state should begin its life in an atmosphere of goodwill and in conditions favourable to its viability. The liberal course would be the wise course and I can only express the hope and submit the advice that the Federal Government will see fit to give a direction that, in the event of separation, no claim should be made in respect of fixed assets and that only such mobile assets should be removed as are not required for works in progress at the time of separation.

35. *Defence.* – This subject will not be of immediate practical importance if separation with a continuance of Trusteeship is the next stage in the political evolution of the Southern Cameroons, as the Administering Authority will presumably be responsible, as under the present Trusteeship Agreement (Article 4), for the defence of the territory. As a matter to be taken into account when the Southern Cameroons determines its final political destiny, it is of course of the utmost practical importance.

36. *Currency* (3). – In the event of separation with a continuance of British Trusteeship, the following three alternatives would be open to the Southern Cameroons Government:

- (a) The Southern Cameroons Government might introduce a separate Southern Cameroons currency. This is plainly impracticable. It would be costly. The necessary expertise for management would not be available. A separate currency for use during a transitional political phase, with the final political destiny of the Southern Cameroons still to be determined, would not be a sensible arrangement.
- (b) The West African Currency Board currency might be re-introduced. In view of the considerable volume of trade between the Southern Cameroons and Nigeria, the situation would arise, both in this case and under alternative (a), in which there would be virtually a dual currency with Nigerian currency passing freely into the Southern Cameroons and with the West African Board currency flowing into Nigeria. The currency-issuing authorities would be constantly calling for repatriation and redemption of each other's currency – an expensive, cumbersome and unsatisfactory arrangement.
- (c) Nigerian currency might continue in use. This would be the best and most sensible course. The Governor of the Central Bank of the Federation does not consider that there would be “any serious obstacles as regards mechanics”, nor does he think that any significant charges would be involved. He points out that “unless special arrangements were made, the overall policy pursued in the management of the currency would be related to the general economic policy of the Federation” and that the consent of the Federal Government would be necessary.

My advice is therefore that the Southern Cameroons Government in the event of separation should seek the consent of the Federal Government to the continued use of Nigerian currency.

37. *Public Debt.*- Apart from the loan recently made by the International Bank for Reconstruction and Development for the extension of the Nigerian railway system (in respect of which no possible claim on the Southern Cameroons could arise), the Public Debt of Nigeria on March 31st, 1959 stood at a net figure of £25,607,435, which works out at rather less than 15s per head of the entire population or rather less than one-third of the total revenues of the component Governments of the Federation in 1958. This debt falls into two parts:

Funded Loans	£12,357,794
Direct internal borrowing, mainly from Marketing Boards	£13,249,659

Theoretically, a territory on secession becomes liable for its share of the Public Debt of the state which it leaves, as the theoretical assumption must be that it has shared in the benefits of the capital development resulting from the loans which make up the Debt. In the present case it is proper, however, to test that theoretical assumption by examining (a) the purposes for which the loans were raised and (b) the amount which has been spent on capital development in the seceding territory. As regards (a), the specific purposes of the loans are not stated in all cases, but from the information available to me it would seem that the great bulk of the monies raised has had no bearing whatever on development in the Southern Cameroons. Test (b) is perhaps the more important. Unfortunately I have not been able to obtain exact or complete figures of the money devoted to capital development in the Southern Cameroons from non-Southern Cameroons sources (including statutory corporations), but I am satisfied from such figures as are available that, excluding monies received from the Parliamentary Vote for Colonial Development and Welfare, the total sum expended from non-Southern Cameroon sources between the conferment of the Mandate in 1922 and the present time, a period of 37 years, on capital development does not exceed £2,700,000. Some of the public utility assets created by this expenditure, e.g. the installation of the Electricity Corporation of Nigeria and the Nigerian Ports Authority, the Southern Cameroons would doubtless have to take over in due course on payment of their then value; the question of taking over other capital assets so created is discussed above (paragraph 34) where I have stated the case for a liberal policy directive by the Federal Government. I urge the same course here. It would be an unprofitable, though not impossible, exercise to ascertain what part of the total expenditure on capital development in the Southern Cameroons was financed from loan funds; that part would clearly be substantially less than the Southern Cameroons share of the Public Debt calculated on a population basis. If the Southern Cameroons were to pay for the Electricity Corporation and the Nigerian

Ports Authority installations at a valuation (which would seem to be inescapable if the Southern Cameroons takes over responsibility for electricity and port services), there would in my opinion be an adequate discharge of such Public Debt obligations as may be properly assignable to the Southern Cameroons. The matter is one for the joint commission and the commission may think it worthwhile to ascertain what portion of the loan raised since the Mandate have been expended in the Southern Cameroons. I hope, however, that the Federal Government may see fit to give a prior directive of policy that no claim should be made against the Southern Cameroons in this connection.

38. *Electricity Corporation of Nigeria: Cameroons Electricity Undertakings.* – The action to be taken, in the event of separation, in regard to the Cameroons Electricity Undertakings belonging to the Electricity Corporation of Nigeria is a problem of some magnitude. The Electricity Corporation of Nigeria is a body corporate and is therefore in the same position as a private company as regards ownership of installations in the Cameroons. Ownership would not thus be affected by separation and, unless there were a direction by the Federal Minister of Lagos Affairs, Mines and Power or a decision by the Corporation that the Corporation should cease to operate in the Southern Cameroons, the Corporation would as a matter of course continue to own and operate the Cameroons Undertakings. It would seem probable therefore that the Government of a separated Southern Cameroons will be able to consider at leisure its policy in regard to the taking over and further development of the Undertakings. It is at least open to question whether the electricity corporation of Nigeria would be willing to own and operate indefinitely undertakings outside the Federation, but that is a matter of policy to be determined by the Corporation, possibly by direction of the Federal Government. If it became necessary for the Southern Cameroons Government to assume the ownership of the Cameroons Undertakings, the Corporation would be entitled to receive payment for its assets as valued at that time; it is possible that in that event the Corporation might be prepared to continue to operate them as managing agents, but that too would be a matter of policy for the Corporation, possibly under Ministerial direction, to decide.

Assets in service as shewn [sic] in the books of the Corporation at 30th June, 1959, were valued at £388,000. The Undertakings are not at present working at a profit as the following details for 1958-59 will shew [sic]:

Revenue from Electricity Sales	£65,649
Revenue from other sources	£ 1,316
Total revenue	£66,965
Expenditure in Cameroons	43,872
Head Office expenses	9,759
	£53,631
Gross Surplus on operation	13,334
Less Depreciation	16,875
Net Loss	£3,541

The above figures do not include any figures for interest on capital employed, which is $4\frac{1}{2}$ percent on the assets in service would increase the loss by £15,620 to £19,161.

How far the corporation would be prepared after separation to continue with its present development plans for the Cameroons Undertakings is also an important matter on which I am unable to form an opinion; it is again, a question of policy for decision by the Corporation, possibly under Ministerial direction. The doubling up of the plant at Njoke is in hand, the civil works having been completed, though the machinery and auxiliary equipment is not expected to be delivered until mid-1960. There is also a scheme costing £65,000 for the extension of the electricity supplies to Kumba but this work cannot be commenced until late 1960. The general economy of the territory would benefit from an extension of electricity supplies, the major part of the country being at present being without such supplies, and a policy for such extension is obviously necessary.

My advice is that the Southern Cameroons Government should ask the Corporation to continue to own and operate the Cameroons Undertakings for a period of not less than three years after separation, during which time the future policy regarding ownership, operation and development could be determined in consultation with the Corporation.

39. *Nigerian Broadcasting Corporation.* – This Corporation is supported by a Federal subvention amounting in 1959-60 to £726,000. In the Southern Cameroons the Corporation runs at present a small recording studio at a cost of about £7,500 a year. At the present time the Southern Cameroons receives the National Programme of the Corporation from Lagos. Apart

from news items this programme contains two programmes a week originated in the Southern Cameroons. This is a reflection of the Corporation's interpretation of section 10 (3) of its Ordinance which reads:

“The Corporation shall ensure that the services which it provides, when considered as a whole, reflect the unity of Nigeria as a Federation and at the same time give adequate expression to the culture, characteristics, affairs and opinions of the people of each Region or part of the Federation.”

The Corporation estimates that the present cost to the Corporation of providing these services (including the recording studio at Buea) is £20,000 a year. Plans have been prepared by the Corporation for the erection of a transmitter, a broadcasting house and normal programme-making facilities in the Southern Cameroons, but these, estimated to require a capital expenditure of some £60,000 and a recurrent expenditure of £40,000 a year, are in abeyance pending the decision of the territory's political future. It is clear of course that in the event of separation these plans will not be put into effect.

The section of the Broadcasting Ordinance with a bearing on services for reception in countries outside Nigeria is section 10 (2) which reads as follows:

“If at any time the Governor-General in Council so requires, it shall be the duty of the Corporation to provide like services for general reception in countries and places outside Nigeria, and any services so provided shall be called External Services.”

The Southern Cameroons is at present without local newspapers and there is no doubt that the services at present given by the Nigerian Broadcasting Corporation are of value to the territory; their withdrawal would present a real loss. One cannot but recognize that the natural sequel to separation would be the termination of the special items in the National Programme and the withdrawal of the small staff, equipment, etc., at Buea. The only possible way of avoiding this result would be a direction by the Governor-General in Council to provide an External Service for the Southern Cameroons. Whether the Federal Council of Ministers would be disposed to make such a direction I have no means of knowing. The Southern Cameroons Government might consider it worthwhile to state a case to the Federal Government for an External Service to be provided on payment of the cost. It would be advisable first to ascertain what the cost would be. The Director-General has stated that it would involve considerable expenditure and he feels certain that it would be embarked upon only as part of a major scheme for External Broadcasting.

40. *Nigerian Ports Authority*. – This Authority is the Harbour Authority of the Southern Cameroons ports and such is responsible for the approaches to the ports and fairways and the depth of water in the ports, hydrographic surveys, dredging, lighting and buoys of the ports and approaches, the provision of lighthouses, pilotage and berthing, and the implementation of harbour regulations. The Wharf Authority, which is the Cameroons Development Corporation, is responsible for all the shore operations of the quays and wharfs.

The income earned by the Nigerian Ports Authority in respect of the Southern Cameroons ports (Bota and Tiko) during the year ended 31st March, 1959, was as follows:

Harbour Dues	£39,386
Light and Buoyage Dues	£19,914
Pilotage and Berthing Dues	£10,984
Miscellaneous	39
	£70,323

The current year's income is running at about the same level and there is not likely to be any substantial change in 1960-61.

The staff maintained by the Ports Authority in the Southern Cameroons is as follows:

Senior Service: 1 Harbour Master and 1 Assistant Harbour Master

Junior Service: 1 Assistant Chief Clerk and 2 Junior Clerks (in the Accounts Department); 2 Junior Clerks, 1 Messenger, 3 Able Seamen, 1 Boatswain, 2 Lighthouse Keepers, 4 Lighthouse Attendants, 1 Wireless Operator, 1 Motor Driver, and 1 Night Watchman (in the Harbours Department)

Daily Paid: 1 Motor Driver, 1 Special Labour, Grade 2, and 5 Special Labour, Grade 3 (in the Harbour Department).

On the established staff numbering 21, 2 are expatriate, 13 are Cameroonians and 6 are Nigerians; all the unestablished staff are Cameroonians.

The approximate annual cost, including personnel loadings for leave pay, passages, pensions, housing, medical expenses, etc., of providing the staff and services indicated below and other miscellaneous expenditure is as follows:

Senior Service (2 officers) – 100% loading @ £4,250 each =	£8,500
Junior Service - £3,500 and 40% loading - £1,400 =	£4,900
Daily Paid - £700 and 20% loading - £140 =	£ 840
Overtime and Allowances	550
Hire of Launch	3,000
Fuel, Stores, etc.	500
Repairs and Maintenance	250
Telephone	500
Sundry Expenses	600
	£19,640

These figures do not include any percentage for Head Office supervision, services and overheads, nor do they include the cost of reliefs for senior staff.. In addition the following costs are attributable to the Southern Cameroons ports:

- (a) Dredging (Interest and depreciation on the Authority's new dredger ..
..... £ 2,500
Dredging (Operating) £11,200
(b) Buoyage and Lighthouses (Depreciation) 2,884
Buoyage Vessel (Interest and Depreciation) 9,500
© Maintenance of Buoys 1,500
(d) Surveys 3,000

It must be borne in mind that the costs referred to at (a) to (d) are those incurred in sharing the cost of the Authority's vessels and equipment and would be very much greater if new vessels, plant, etc., had to be acquired solely for the Southern Cameroons ports.

The Chairman of the Authority considers that the total expenditure properly chargeable to the Cameroons ports is £60,269 made up as follows:

Staff, etc.,	£19,640
Dredging, Buoyage, Surveys, etc.	30,584
	50,224
Add Administrative overheads 20%	10,045
	£60,269

The fixed capital assets (lighthouses, Bimbia River lighting scheme, quarters and offices, etc.) do not constitute a formidable problem. The present written-down value of Bimbia River lighting scheme is just over £23,000. For the most part the quarters and offices were constructed before the Authority was created; at whose cost is not clear.

If the Government of a separated Southern Cameroons were to take over the responsibilities of the Authority for the Southern Cameroons ports, it would be necessary to set up a complete organization including a small management, possibly under a Government Marine Department, unless of course it were decided to combine the Wharf Authority and the Harbour Authority as has been done at Port Harcourt. It would be necessary to consider the question of substantial capital expenditure on the provision of a dredger (though dredging might be arranged on contract), a buoyage vessel, a buoyage hard with workshops, stores and equipment as well as crews and staff to man them; it would also be necessary to pay the cost of capital assets taken over.

By far the best arrangement in my opinion would be for the Authority to continue to provide the services at present given, including the provision of the staff, for a transitional period during which the port revenue would accrue to the Southern Cameroons Government and the Southern Cameroons Government would pay the Authority for the services rendered. The transitional period might be for about two years during which time the Southern Cameroons Government could consider at leisure the policy to be adopted for taking over. His suggested tidying-over arrangement would of course require the approval of the Authority and a direction by the Federal Government.

41. *Federal Institutions of Higher Learning.* – I refer here in particular to the University College, Ibadan, the University College Hospital, Ibadan, and the Nigerian College of Arts Science and Technology. These institutions have been established by the Federal government, with some help from Her Majesty's Government, at a capital cost at the order of £10 million. The subvention towards their recurrent expenditure made by the Federal Government does not fall far short of £2 million a year. Substantial numbers of Southern Cameroons students attend these institutions. Some anxiety has been expressed on the question whether separation might mean restriction of access of Southern Cameroons students to these institutions or possibly even higher fees for such students. This last-mentioned possibility seems to me, as a former Chairman of all three institutions, most unlikely, but it is not unlikely in my judgment for priority to be given to Nigerian students

qualified for admission, if there is a pressure on vacancies. The matter is one of the governing bodies concerned. The possibility of restricted access should be noted. The matter can only be tested in practice. If the number of places available to Southern Cameroonians were reduced, presumably the Southern Cameroons Government would need to seek places, at greater expense, in overseas institutions.

The future of the Man o' War Bay centre for training in citizenship and the development of qualities of leadership, social service and adventurous enterprise is a problem which will doubtless engage the attention of the Federal Government. It is a purely Federal institution designed to serve all the component parts of the present Federation (including the Southern Cameroons). In the Estimates of the Federation for 1959-60 provision is made for a subvention of £25,750. On the face of it, there seems to be no reason why this centre should not continue after separation, even though it will then be situated outside the Federation; the site was presumably chosen because of its special suitability; the question is entirely one for decision by the Federal Government.

42. *Nigerian Institute of Social and Economic Research.* — The Nigerian (formerly West African) Institute of Social and Economic Research began work in the Southern Cameroons in late 1952 and early 1953 with the arrival of a research team of sociologists and economists to investigate the effect of a plantation economy on the territory. This was followed by further studies on a wide range of topics and one of the Research Fellows has been engaged in work in the Southern Cameroons ever since.

Research, although conducted according to academic standards, has always attempted to throw light on current problems. Among practical benefits the Southern Cameroons has received from the work of the Institute are the following:

- (i) The availability in statistical form of data concerning many aspects of migration, labour supply, labour economics, population growth, etc.
- (ii) Access to a considerable body of detailed knowledge which has been built up on matters of native law and custom, ethnic composition, linguistics, etc. A recent resumé of intestate succession, and a current attempt to codify land tenure changes in immigrant areas may be mentioned.
- (iii) Experience is available which often makes possible an independent assessment of the local effects of projected economic and social policies.

- (iv) Although a small territory, the social and economic problems of the Southern Cameroons are extremely complex and interesting. The function of the Institute in bringing these problems to wider notice is a noteworthy by-product of its work.
- (v) At present, work on historical materials is also in progress, and the Institute's representative is the Southern Cameroons member of the National Archives Committee. Since the territory cannot support more than token Archives and Antiquities services for more years and only a small Social Welfare department, the Ministry concerned has been glad to avail itself of the Institute's advice in these fields and has expressed the hope that it may be able to do so in the future.

The Institute has been financed recently in the proportions of 50 per cent from the Colonial Development and Welfare funds and 50 per cent from the Federal Government funds. The Southern Cameroons Government has provided housing for the Research Fellow, for which the Institute pays rent; it also bears the cost of certain office facilities, including multigraphing service and telephone. If the Institute were to discontinue its work in and for the Southern Cameroons the loss to the territory would be serious. After separation the Southern Cameroons Government might reasonably be required to meet the cost of the work done by the Institute in the territory or at least such part of the cost as is not covered by the Colonial Development and Welfare contribution. This cost might be of the order of £5,000 to £10,000 a year according to the scale of the Institute's activities. The best arrangement to be made for the continuance of these services, which are of practical benefit to the Southern Cameroons as well as being of academic importance, is largely a matter for determination by the Institute itself in consultation with the Southern Cameroons authorities. Some form of inter-territorial association would seem to be called for.

43. *Research and Training.* – Although the estimates of the cost of adapting the present non-Federal Department of Agriculture, Forestry, Medical Services, Co-operative Societies, etc., include some provision for ad hoc payments on account of research and departmental training, I very much doubt whether this provision will be adequate for their needs in these two respects. In a small territory standing on its own it is as a rule uneconomic to establish research branches or departmental training institutions, e.g., the numbers recruited annually to the Southern Cameroons Police Force are not sufficient to warrant the establishment of a Police College. The Federation of Nigeria possesses large and well-organized research services

and also important departmental training institutions. It is most desirable that the facilities thus afforded should continue to be readily available to a separated Southern Cameroons, even if this has to be on payment. The details of arrangements of this kind might be a subject for consideration by the joint commission.

44. *Customs and Excise.* – The problem of the collection after separation of import duties on the dutiable goods entering the territory by road and/or river from Nigeria is fraught with difficulty. We have noted above (paragraph 8) that the volume and value of such goods, though not at present ascertainable, must be very large. Owing to the limited number of points of entry (there are only two roads) and the difficult nature of the terrain, which is covered in forest, the task of the preventive service will be less difficult than their task on the much more open frontier between the French and the Southern Cameroons. My concern relates less to the prevention of smuggling than to the avoidance of double customs imposts. The large importing firms in the Southern Cameroons will be able to arrange for goods arriving from abroad at a Nigerian port to be entered on arrival at the port as ‘in transit’ to the Southern Cameroons in the same way as at present obtains in the case of similar consignments destined for French territories bordering on the Federation. Such consignments are not chargeable with Nigerian import duties if covered by a bond and evidence is produced within a reasonable time of re-exportation. Such an arrangement would not be practicable for the average Nigerian or Southern Cameroons importer into the Southern Cameroons; he acquires his goods for the most part in the markets of Eastern Nigeria and these goods, if dutiable imports into Nigeria or produce subject to Nigerian excise, will already have paid duty, import or excise. The effect of this would be to raise, by reason of the double impost, the Southern Cameroons price of such goods and to discourage this useful local trade; the small importer will be placed at a serious disadvantage vis-à-vis the importing firms. A Customs Union between the Federation and a separated Southern Cameroons might provide a solution, since the actual collection of import and other duties at the frontier would be avoided, the amounts due on this account to and from the Southern Cameroons being computed by statistical and value checks at the frontier posts. I put this possibility to the Chairman, Board of Customs and Excise, and he has commented as follows:

“As regards the question of a possible Nigeria/Southern Cameroons Customs Union, the arguments in favour of it would be –

- (a) Only one (and not two) Customs posts would be required at each point on the Nigeria/Southern Cameroons lane frontier at traffic crossings.

- (b) The posts themselves need not be equipped for the receipt of revenue or for anti-smuggling work and so need not be so heavily staffed.
- (c) There would be no incentive to smuggle between Nigerian and the Southern Cameroons and vice versa.

The difficulties are –

- (i) The calculation of the amount of duty paid on goods arriving at a Nigeria/Southern Cameroons frontier post in cases where such goods are liable to ad valorem duty; in other words, although the posts could compile statistical records to cover quantities and types of goods which enter or leave the territory, the amount of duty on such goods could not be ascertained, since in most cases they would have lost their identity after importation at a Nigerian port. The same difficulty would not apply to any great extent in the case of goods imported through Victoria or Tiko, or trans-shipped at a Nigerian port for final discharge at Victoria or Tiko, except in the case of goods duty-paid in Nigeria and re-shipped, when the same difficulties would arise.
- (ii) The existing Southern Cameroons frontier stations would still require to be maintained, and possibly added to.
- (iii) Possible arguments as to the amount of revenue transferred or collected in Nigeria on goods subsequently imported into the Southern Cameroons (or vice versa).

It therefore appears that a Customs Union could not be made to work satisfactorily unless some form of revenue collection could be devised which did not depend entirely on an assessment of duty being made on goods as and when they cross the frontier.”

A Customs Union with a revised system of allocation, which would ensure that the Southern Cameroons would receive the full amount of duties on goods entering the territory, would probably be, in spite of the difficulties, a workable solution. This revised system of revenue allocation could be based on the results of the investigation of the trade across the western border which I have recommended above (paragraph 8), though clearly periodical revisions would be necessary on the basis of further investigation. One must realize, however, that such a close link between the Federation and the Southern Cameroons, involving the continuance of revenue allocation (though in a modified form), might not be acceptable either to the Federation or the Southern Cameroons Government. The possibility of a Customs Union calls for examination, but, if it proves

impracticable, whether on technical or political grounds, it would be necessary for separate Southern Cameroons Customs posts to be established on the western border and duty to be collected on all dutiable imports, whether or not they have already paid duty in Nigeria, the resulting double impost on much of the traffic being accepted as one of the untoward consequences of separation.

Under the present system of revenue allocation the Southern Cameroons receives its share, computed on the basis of consumption, of the excise duties on cigarettes and other tobacco products manufactured in Nigeria. The excise duty on beer manufactured in Nigeria are at present wholly retained by the Federal Government, but after separation a corresponding amount of revenue ought to accrue to the Southern Cameroons in respect of its imports of beer excised in Nigeria. The Southern Cameroons Government cannot of course levy excise duties on goods manufactured outside its borders and it will become necessary for import duties to be levied in replacement of the present excise duties. On this problem the Chairman, Board of Customs and Excise, has commented thus:

“... There would appear to be no difficulty in arranging for consignments of cigarettes manufactured under licence in Nigeria to be subsequently exported to the Southern Cameroons under drawback of customs import duties on the raw materials used in manufacture and without payment of the excise duties otherwise due. The same applies in the case of beer, with the technical difference that such consignments would have to be on drawback both as regards the customs import duties involved and also the excise duties.”

For the discouragement of smuggling the Southern Cameroons Government will be well advised to ensure that the import duties levied by it are equivalent in their effect to the duties (import and/or excise) due in Nigeria. It would be most unfortunate to create on the western border a situation similar to that in the eastern border where, owing to price differences, smuggling is rife and results in serious losses of revenue.

45. *Nigerian Airways*. – It is difficult to imagine an air service answering a higher degree of essentiality than that which linked Nigeria with the Southern Cameroons, as no rail transport is available and the journey by road from the principal towns of Nigeria is long and arduous. The loss of this link would be a great setback for the territory. I am advised by the Federal Ministry of Communications and Aviation that, if the service between Nigeria and the Southern Cameroons were profitable, Nigerian Airways would maintain it for commercial reasons, subject to the

conclusion of an air services agreement. Whether the present service between Lagos and Tiko is profitable I do not know. Services between Nigeria and the Southern Cameroons could be provided by arrangement between the interested Governments even if they were not profitable; there would have to be an air services agreement, with a subsidy calculated on some mutually accepted basis.

46. *Staffing of the present Southern Cameroons departments.* – The authorized establishment of the present Southern Cameroons departments numbers 1,471. A very recent survey of the position discloses that at the time of the survey there were 410 vacancies, the remaining posts being held as follows: 104 by overseas officers, 770 by Cameroonians (including French Cameroonians), and 187 by Nigerians.

A Regional Public Service is about to be established and to this the Southern Cameroons officers will be automatically transferred. The others (expatriates, Nigerians and other Africans) will have the option of joining this service, but it is unlikely that any considerable number of Nigerians will avail themselves of this option. As long as the Southern Cameroons remains a part of the Federation those Nigerians who do not elect to join the Southern Cameroons Public Service will remain on compulsory secondment from the Federal Public Service. If the Southern Cameroons secedes from the Federation, all members of the Federal Public Service who have not elected to join the Southern Cameroons Public Service will have an unquestionable right to leave the Southern Cameroons on reversion to the Federal Public Service. The combined effect of the exodus of nearly 177 Nigerian officers (not to speak of the expatriate officers) with the large number of vacancies will have a very adverse effect on the ability of the Southern Cameroons departments to discharge their responsibilities. This problem links with the related and no less difficult problem referred to above (paragraph 33) of retaining non-Cameroonian officers in the Post and Telecommunications and Customs and Excise services if the Federal Government agrees, as I have advised, to continue these services for a suitable time on a paid agency basis after separation; if the Federal Government does not so agree, the problem, grave enough in itself, will be aggravated to the point of impossibility.

Energetic measures have recently been taken to quicken the pace of Cameroonization; these include

- (a) the establishment of a Clerical Training Centre in Bamenda (opened on September 7, 1959), and
- (b) the increase of the provision for scholarships from £18,550 in 1958 to £36,000 in 1959-60.

The following measures are under consideration:

- (a) the expansion of the Bamenda Training Centre;
- (b) the establishment of a non-residential training centre in Buea;
- (c) the establishment of a Government secondary school and expansion of existing secondary schools.

For a time these measures cannot have more than a useful palliative effect; the critical staffing difficulties of the tiding-over period will not be appreciably lessened by them. Recruitment of overseas officers for suitable periods and on sufficiently attractive terms will be necessary. It will also be necessary in my view to induce Nigerians to remain in or to join the Southern Cameroons service by the offer of favourable contract terms. So far as Nigerians belonging to the Federal Public Service are concerned, the necessary secondments, which would have to be on a voluntary basis, must of course be arranged in consultation and agreement with the Federal Government.

It is fair to observe that the problem of staffing both the present Southern Cameroons services and the services which are now Federal is not in its entirety a consequence of separation, but a separation makes it very much more acute.

47. *Constitutional arrangements.* – This subject is mentioned not because I wish to discuss it in substance (a matter lying well outside my terms of reference) but because the need for a constitution suited to the Southern Cameroons as a separate political entity will arise if separation with continued Trusteeship is the next stage in its political evolution. Timely measures will be necessary to ensure that the necessary constitutional instruments are ready for promulgation with effect from the date of separation. Presumably the preparation of such instruments will be preceded by discussions at ministerial level between the Administering Authority and the political leaders of the Southern Cameroons. Once agreement has been reached on the main provisions of the constitution, the preparation of the instrument would, I assume, be undertaken by the constitutional draftsmen in the Colonial Office.

CHAPTER V. – SUMMARY AND ACKNOWLEDGEMENTS

48. *Political uncertainties: bearing on report.* – My investigation has been conducted and this report written against a shifting and unsettled political background. For that reason I found it necessary, at the beginning and for the purpose of the investigation, to assume a definite political settlement, namely, separation from Nigeria (the underlying assumption of my terms of reference) with a continuance of Trusteeship for a period long enough to admit of reasonably long-term planning (paragraph 3). This report is

submitted at a time when matters affecting the future of the territory are still before the Fourteenth Session of the General Assembly of the United Nations and are therefore undecided. There have, however, been some indications that decisions may be taken that will result in a political situation materially different from the situation assumed as the basis of this report. Although the report will not, I hope, be without some relevance to the problem of separation whatever procedures and policies may be adopted as a result of the present deliberations in New York, it is proper to point out that findings linked to one assumed situation are not in general likely to be apposite to a very different situation.

49. *Summary.* – Below is a summary of the main findings and recommendations in this report:

- (1) The financial advantages to the Southern Cameroons of retaining its Trusteeship status for a time after separation will be impaired if the period is undefined or, if being defined, it is too brief to admit of reasonably long-term planning (paragraph 3).
- (2) Some temporary slowing-down of progress and some temporary deterioration of services are an inescapable result of separation. A duty lies on all the authorities concerned to reduce the adverse effects to a minimum, if the Southern Cameroons, in exercise of its constitutional rights, elects for separation (paragraph 4).
- (3) An early investigation into the trade across the border between Nigeria and the Southern Cameroons is needed for the primary purpose of arriving at reliable data for the computation of the Southern Cameroon's share of duties on Imports General, which, for the purpose of the present investigation, has been taken as 2½ per cent of the Federal total (paragraph 8).
- (4) The reconstruction of the Southern Cameroons Estimates, 1959-60, on the hypothesis of separation discloses that estimated revenue falls short of estimated expenditure by £340,000, but, if certain expedients are applied and allowance is made for certain other factors, it is probable that the shortfall would in practice have been negligible or non-existent (paragraphs 10 and 11).
- (5) The revenues which would be available to a separated Southern Cameroons might just suffice to enable it to maintain and even modestly to expand its recurrent services, but it would be a precarious, hand-to-mouth existence. As a completely independent state the Southern Cameroons, at its present stage of development, would not be viable. A further period of Trusteeship, if adequate, might afford the Southern Cameroons the time it needs to develop and test its financial strength (paragraph 12).

- (6) My advice is that, in the event of separation with continued Trusteeship, the Southern Cameroons Government should continue to budget for a modest expansion of its services even if this means budgeting for a deficit and that the Administering Authority should agree to make grants equal to the actual deficit, if any, but not exceeding the approved budgetary deficit (paragraph 12).
- (7) The 'non-developmental' capital expenditure necessitated by or associated with separation may amount to as much as £1,606,000. For its general development the Southern Cameroons requires a capital expenditure of not less than £1m a year. The contribution which the Southern Cameroons can make at present to capital expenditure of this order is small and uncertain and its dependence on external aid by way of grants or loans will be almost complete (paragraphs 13 and 14).
- (8) The present uncertainties about the political future of the territory have had and will continue to have, as long as they persist, an adverse effect on its economic development (paragraph 17).
- (9) The actual economic expansion during the past decade has been substantial and the promise of considerable further expansion is excellent, if two conditions are met, namely, (a) a stable and durable political settlement and (b) the provision of more adequate basic services, notably roads (paragraph 17).
- (10) The outstanding need is for more capital for the development of the infrastructure, especially the roads system. Road improvement and construction is the main instrument and the necessary prerequisite for further substantial progress. The present state of the Kumba-Mamfe road is a serious hindrance to progress; to put this road in order would by itself be an important contribution to economic development (paragraph 18).
- (11) It is estimated that three-quarters of the potential of the Southern Cameroons as an exporter of agricultural produce has still to be taken up. The present output of export crops might be double in twelve years (paragraph 19).
- (12) A judicious combination of plantation enterprise and small-scale farming is well suited to local conditions. In the development of the former attention should be paid to the planned use of land and the supply of labour (paragraph 20).
- (13) Given reasonable road development, there will be substantial increases over the next decade in all the main export crops other than bananas (paragraph 21).

- (14) The recent 'boom' conditions in the timber trade are drawing to an end and there will be a decline in revenue from this source in the near future (paragraph 22).
- (15) The economy of the territory is immensely strengthened by the existence and activities of the Cameroons Development Corporation. The contemplated reorganization of its constitution and capital structure should not be delayed (paragraph 25).
- (16) The replacement of Nigerian by local trading and transport enterprise should be a process of natural evolution (paragraph 27).
- (17) The problem of land tenure and registration would repay expert investigation (paragraph 28).
- (18) On the basis of certain assumptions and given reasonably favourable conditions the revenue of the Southern Cameroons by 1965-66 might be of the order of £3,277,000 and by 1970-71 of the order of £4,393,000. The financial resources of the Southern Cameroons might thus be sufficient to meet the non-capital needs of the territory after separation, but the growth of revenue would be matched by developing needs (paragraph 29).
- (19) For the settlement of joint problems, it would be advisable to set up a joint Nigeria/Southern Cameroons Commission, with a neutral Chairman appointed by the Administering Authority: this Commission to work within the framework of such policy directives as are required from the Federal Government and/or the appropriate Federal statutory corporations (paragraph 31).
- (20) The hope is expressed that the Federal Government will direct that, in the event of separation, the Posts and Telegraphs, Customs and Excise and Inland Revenue services should continue for appropriate periods on a paid agency basis (paragraph 33).
- (21) The hope is expressed that the Federal Government will direct that, in the event of separation, no claim should be made in respect of fixed Federal assets and that only such mobile Federal assets will be removed from the Southern Cameroons as are not required for works in progress at the time (paragraph 34).
- (22) The Southern Cameroons Government is advised to seek the consent of the Federal Government and the Nigerian Central bank to the continued use of Nigerian currency (paragraph 36).
- (23) The hope is expressed that the Federal Government will see fit to direct that no claims should be made against the Southern Cameroons in respect of the Public Debt of the Federation (paragraph 37).

- (24) The Southern Cameroons Government is advised to asked the Electricity Corporation of Nigeria to continue to own and operate the Cameroons Undertakings for three years during which time the future policy regarding ownership, operation and development would be determined in consultation with the Corporation. The consent of the Federal Government would be necessary to this course (paragraph 38).
- (25) The Southern Cameroons Government might consider it worthwhile to state a case to the Federal Government for an External Service to be provided by the Nigerian Broadcasting Corporation on payment (paragraph 39).
- (26) The Southern Cameroons Government is advised to seek the approval of the Federal Government and the Nigerian Ports Authority for an arrangement by which the Nigerian Ports Authority would continue for a time to carry on the present responsibility of the Nigerian Ports Authority for the ports of Bota and Tiko on payment, the ports revenue to accrue during this period to the Southern Cameroons Government (paragraph 40).
- (27) Arrangements should, if possible, be made for the continuance of the valuable work done in the Southern Cameroons by the Nigerian Institute of Social and Economic Research (paragraph 42).
- (28) The question of making available as necessary on payment the research and training facilities of the Federal Government requires examination (paragraph 43).
- (29) The establishment of a Customs Union between the Federation and the Southern Cameroons, with a revised system of revenue allocation, appears to be the least unsatisfactory way out of the serious difficulties presented by the creation of a new Customs frontier. The problem requires further careful examination (paragraph 44).
- (30) It will be necessary to negotiate an air services agreement for the continuance on suitable terms of the present air service between Nigerian and the Southern Cameroons (paragraph 45).
- (31) Owing to the probable exodus of the majority of Nigerian officers, the staffing of both the present Southern Cameroons departments and the services at present Federal after separation presents a very serious problem. The Southern Cameroons Government may find it necessary to offer inducements to Nigerians to remain in or to join the Southern Cameroons service by the offer of favourable contract terms (paragraph 46).
- (32) Timely measures to settle the constitution of a separated Southern Cameroons and to prepare the necessary constitutional instruments are called for (paragraph 47).

50. *Acknowledgements.* – I must acknowledge my indebtedness to all those who have helped me in the preparation of this report. A report of this kind is in some measure a compilation of contributions, written and oral, from many various sources and I have made full use of the knowledge and views of others closely acquainted with particular aspects of my subject.

I am grateful to the Government of the Southern Cameroons for giving me this opportunity of studying, and offering advice on, the anxious problems confronting it. I am deeply appreciative of the courtesy, kindness and help which I have received during my visit from the Acting Commissioner, the Premier and Ministers, the Leader of the Opposition, officers of the Administrative Service, Heads of Departments, other officials, members of the staff of the Cameroons Development Corporation, the Chairman, Southern Cameroons Development Agency and many others able to speak with knowledge of economic and general conditions. My association with the Acting Financial Secretary, Mr A.D.H. Paterson, M.B.E., has naturally been close and I am particularly indebted to him for his willing help and advice during the full term of my assignment.

S. PHILLIPSON

9TH October, 1959.

APPENDIX I – FOOTNOTES

Chapter I

- (1) On 3rd September, 1959, I submitted an interim report of restricted circulation as it seemed advisable that those attending the Fourteenth Session of the General Assembly of the United Nations from the Southern Cameroons should be acquainted with my provisional conclusions. This report replaces that interim report, which should now be regarded as obsolete.

Chapter II

- (1) Report of the Fiscal Commission, 1958, page 52, paragraph 19.
- (2) The Government Statistician's Report prepared in July 1956.

Chapter III

- (1) Economic Survey of Nigeria, 1959.
- (2) Ibid: Appendix VIII B reproduces the statement.
- (3) Report of the Cameroons Development Corporation, 1958.
- (4) Messrs D.H. Urquhart and G.A. Ross Wood of Cadbury Brothers Limited in an article 'World Crops'.

- (5) Mr Malcolm Fyfe, to whom I am indebted for the export crop projections in this chapter.
- (6) Paper on Social and Demographic Problems of the Southern Cameroons Plantation Area by Mr Edwin Ardener.
- (7) Ibid.
- (8) Report on The Suitability for the Cultivation of Tea on Lands in the Bamenda Area, Southern Cameroons, published by the Southern Cameroons Production Development Board.
- (9) Paper on Banana Co-operatives in the Southern Cameroons by Mrs Shirley Ardener,
- (10) Virtually all the information in this paragraph is drawn from a memorandum written by Mr Malcolm Fyfe and supplied to the Southern Cameroons Department of Agriculture.
- (11) Virtually all the information in this paragraph is drawn from a memorandum supplied by the Chief Conservator of Forests.

Chapter IV

- (1) This payment relates both to officers in the 'Regionalised' departments and to officers of the Federal services proper, but in effect it amounts to a direct contribution to the cost of Federal services.
- (2) There is no authorized establishment for a number of grades; that is why the actual strength is given.
- (3) I am indebted to the Governor of the Nigerian Central Bank for information and advice on this subject.
- (4) I am indebted to the Chairman, Nigerian Ports Authority, for the information in this paragraph.
- (5) A useful account of the activities of this centre is given in the Report of the Administering Authority to the United Nations for 1957, paragraphs 422-429.
- (6) I am indebted to Mr E.W. Ardener, Senior Research Fellow of the Institute, for the information in this paragraph.
- (7) I had hoped to include definite information on this point, but it is not available at the time of writing.

APPENDIX II – ADAPTATION OF SOUTHERN CAMEROONS DEPARTMENTS TO SEPARATION (pages 47-49)

APPENDIX III – ESTIMATED EXPENDITURE ON FEDERAL
DEPARTMENTS RECONSTITUTED AS SELF-CONTAINED
SOUTHERN CAMEROONS DEPARTMENTS (1959-60 BASIS)
(pages 50-52)

APPENDIX V – THE EFFECT OF SEPARATION ON ESTIMATED
REVENUES (1959-60 BASIS) (page 53)

APPENDIX VI – ITINERARY

July 11/12 London-Lagos
July 13 Lagos-Tiko-Buea
July 28 Buea-Victoria-Buea
July 29 To CDC for visits to Limbe Nurseries, Bota Oil Mill,
Bota Wharf, Industrial Area, Middle Farm, Bota Hospital
and school, Workers' Shop and Community Hall, Motor
Transport Garage (Moliwe)
July 30 To CDC for visits to Tole Tea factory, Buea, Rubber
Factory, Tiko Rubber Plantation, Missellele and further
tour of industrial area
August 7/8 Buea-Kumba-Mamfe
August 10/11 Conference on plebiscite questions and register
August 12 Mamfe-Buea
September 11 Buea-Mamfe-Bamenda (air between Tiko and Mamfe)
September 12 Bamenda-Bafut-Wum-Bamenda
September 13 Bamenda-Bali-Bamenda (a.m.)
Bamenda-Santa Coffee Estate-Bamenda (p.m.)
September 15 Bamenda-Ndu Tea Estate-Bamenda
September 17 Bamenda-Mamfe
September 18 Mamfe-Tiko (by air)-Buea

LIST OF PERSONS WITH WHOM THERE HAVE BEEN
DISCUSSIONS

His Honour M.N.H. Milne, Acting Commissioner
The Hon. J.N. Foncha, M.H.A., Premier
The Hon. M. Ndoke, M.H.A., Minister of Natural Resources
The Hon. A.N. Jua, M.H.A., Minister of Social Services
The Hon. S.T. Muna, M.H.A., Minister of Works and Transport
Dr E.M.L. Endeley, O.B.E., Leader of the Opposition
The Hon. J.J. Balmain, Acting Deputy Commissioner
The Hon. A.D.H. Paterson, M.B.E., Financial Secretary
H.D. Harger, Esq., Accountant-General
K.C. Thompson, Esq., Secretary to the Executive Council
Dr B.J. Green, Director of Medical Services

J.R. Brewster, Esq., Director of Veterinary Services
M. F. Fyfe, Esq., Acting Principal Agricultural Officer
N.M. Bebe, Esq., Production Inspection Officer
J.G. Heard, Esq., Assistant Commissioner of Police
R.V. Jones, Esq., Senior Superintendent of Police
S.M. Chindo, Esq., Superintendent of Prisons
D.M. Endeley, Esq., Programme Assistant in Charge, Southern Cameroons
Section, Nigerian Broadcasting Corporation
G. Randell, Esq., Establishment Secretary (Special Duties)
J.E. Thompson, Esq., Acting Senior Labour Officer
A. Anderson, Esq., Acting Area Controller and Engineer, P&T
Department
K.S. Masters, Esq., Senior Commercial Officer, Dept of Comm. & Industry
W.H. Organistka, Esq., Acting Director of Lands Survey
The Hon. J. Harvey Robson, Esq., Acting Legal Secretary
T.W. Hussey, Esq., Chief Conservator of Forests
R.A.P. Leach, Esq., Director of Public Works
J. Stewart, Esq., Acting Principal Collector of Customs, S. Cameroons
E.E. Oku, Esq., Air Traffic Control Assistant in Charge, Tiko Aerodrome
B.E. Akpan, Esq., Meteorological Observer and Acting Officer in Charge,
Meteorological Service, Tiko
J.G. Mallet, Esq., Acting Registrar of Co-operative Societies
G.H. Campbell, Esq., Director of Education
S.F. Dumphreys, Esq., Acting Director of Audit
C.J. Burgess, Esq., Senior District Officer, Kumba Division
Representative group of Chiefs, farmers, merchants and traders, Kumba
Representative group of Chiefs, farmers, merchants and traders, Mamfe
D.P. Hayden, Esq., Acting District Officer, Mamfe Division
A. Booth, Esq., Deputy Director of Prisons
Rev. Yinka Olumide, Nigerian Broadcasting Corporation
J. Heron, Esq., Acting General Manager, Elders and Fyfes
J. Dixon, Esq., Administrative Service
J.K. Dibonge, Esq., Chairman, S. Cameroons Development Agency
I.J. McLaren, Esq., Coast Timber Company Limited
H.L. Leman, Esq., Kamerun Limited
M.A. Mair, Esq., Acting Director, John Jolts, Victoria
J.B. Bickmore-Hutt, Esq., Manager, Bank of West Africa, Victoria
K.H. Phillips, Esq., Manager, Barclays Bank (D.C. & O), Victoria
H. McCartney, Esq., District Manager, United African Company, Victoria
J.E. Palmer, Esq., CDC Acting General Manager
Dr C. Wilson, CDC Chief Medical Officer
J.W. Lowe, Esq., CDC Palms Superintendent

V.F. King, Esq., CDC Acting Shipping Manager, Bota Wharf
G.B.A. Young, Esq., CDC Acting Chief Engineer
Dr R.F. Antonio, Medical Officer in Charge, CDC Bota Hospital
Miss Luma, Headmistress, CDC Bota School
R.W. Fenn, Esq., Motor Transport Officer, Moliwe CDC Transport Garage
K.G. King, Esq., CDC Rubber Superintendent
T.H. Clark, Manager, CDC Tole Tea Estate
V. Sotabinda, Esq., Field Assistant, CDC Rubber Factory, Tiko
W.J. Mcleod, Esq., Manager, Missellele CDC Rubber Plantation
A.D. Hawkins, Esq., Area Engineer, CDC Industrial Area
J. Higson, Esq., Manager, Bamenda Branch, Barclays Bank (DC&O) Ltd
A. Twitchett, Esq., Manager, Bamenda Branch, John Holt (Liverpool)
Ltd
The Fon of Bafut
J. Harmon, Esq., Acting District Officer, Wum Division
J. Smyth, Esq., Senior District Officer, Bamenda Division
E. Dennison, Esq., Manager, Bamenda Branch, United Africa Company
The Fon of Bali
J. Mulder, Esq., Manager, Santa Coffee Estate
W. Brown, Esq., Manager, Ndu Tea Estate
T.S. Jervis, Esq., Coffee Adviser
E. Ardener, Esq., Nigerian Institute of Social and Economic Research

Chapter Twelve

Declassified Secret Files 1960

*NOTE OF A MEETING HELD IN THE COLONIAL OFFICE ON
FRIDAY MORNING THE 25TH JANUARY, 1960*

Present

Mr. Eastwood (In the Chair)

Sir Andrew Cohen U.K. Mission New York

Mr. Caston U.K. Mission New York

Mr. Jerrom Colonial Office

Mr. Emanuel Colonial Office

Mr. Ryrie Colonial Office

Mr. Burr Colonial Office

Mr. Browning Colonial Office

Mr. Boothby, Head of African Department, Foreign Office

Mr. Johnston, Ambassador-Designate to the Republic of the Cameroons

Mr. Mitchell Foreign Office

Mr. Hale Foreign Office

The meeting was convened to discuss the question of what approaches should be made to the Republic of the Cameroons, in order to find out on what terms the British Cameroons would join the Republic of the Cameroons if the people so decided in the plebiscite. The meeting had before it a letter of 9th January from the Governor-General to Mr. Eastwood on this subject, enclosing a copy of Mr. Caston's minute of the 6th January on the discussions which Sir Andrew Cohen had had in Nigeria on the Southern Cameroons.

2. **Mr. Eastwood** opened by reviewing the position on the terms on which the British Cameroons would go in with one or other of its neighbours. He said that it was hoped that the new Nigerian Government would renew the offer of Regional status for the Southern Cameroons; it was not practical politics to envisage the Northern Cameroons as a separate Region,

but it might be offered the status of a separate province within the Northern Region. However, there was no certainty about the terms of association of either the Northern or the Southern Cameroons with the Republic of the Cameroons, and there had been little recent progress in discussions on this subject. Ahidjo had mentioned the possibility of a federation, but there was considerable doubt about the degree of autonomy which he had in mind. In reply to a question by *Mr. Jerrom*, *Mr. Mitchell* said that the report of the Committee on the constitution of the Republic of the Cameroons was scheduled to appear at the end of February. There would then be a referendum on the constitution followed by elections, but it was likely that the elections would be delayed until the summer. *Sir Andrew Cohen* said that at least in the initial stages M. Ahidjo's internal position would be shaky. Nevertheless, he had accepted Mr. Foncha's invitation to go to Buea in February to discuss terms of association. Mr. Foncha had in mind that general principles would be discussed at this meeting and details would be worked out subsequently. It was important that there should be no premature announcement of any purported decision on terms of association before the implications had been fully worked out. Southern Cameroons' ministers should be approached with a view to preventing this and if possible it should be arranged for Mr. Johnston, our new Ambassador to the Republic, and Mr. Field to be present. In the discussions on points of detail which will follow an expert or experts should be present to ensure that the terms were reasonable and practicable.

3. **Mr. Eastwood** said that Mr. Wieschoff had spoken about the Cameroons problem on his recent visit to the Office. Mr. Wieschoff's view (which he claimed was supported by the Secretary-General) was that there should be a meeting between Mr. Foncha, Dr. Endeley, M. Ahidjo, representatives of the Nigerian Government and possibly the U.K., presided over by the Secretary-General, to resolve the whole matter finally, thus avoiding the necessity of a plebiscite which was felt to be undesirable because of the security situation. *Sir Andrew Cohen* said that this did not seem acceptable; the United Nations had made a definite decision that a plebiscite should be held and he did not think that we should be a party to circumventing that decision. Nor was there any need for Nigeria to be involved in any talks with the Cameroons Republic. This was generally agreed. *Mr. Boothby* agreed with *Sir Andrew Cohen* that a diplomatic approach to the Cameroons Government would be the best way of handling the situation.

4. **Mr. Eastwood** said that it was not the object of the U.K. to obtain the best terms possible from Mr. Ahidjo, but simply to obtain from him a clear statement of his intentions; there was no question of the U.K.

negotiating an agreement with M. Ahidjo. He added that he hoped that Sir Sydney Phillipson might be persuaded to accept the post of adviser. *Mr. Emanuel* emphasized that it was the responsibility of Her Majesty's Government to make sure that there were firm and clear terms for union with either country. The negotiations should therefore be between the U.K. which, in any case, was responsible for the external relations of the British Cameroons, and the Cameroons Republic. *Sir Andrew Cohen* said that Mr. Foncha would be certain to insist on negotiating himself with M. Ahidjo. It was not Her Majesty's Government's task to influence the terms, but to ensure that they were realistic. In his view, the U.K. should register its interest in this matter, suggest that it would be beneficial for H.M. Ambassador to be brought into the talks, arrange that Mr. Johnston and Mr. Field should take part in the talks in Buea, and provide an expert or experts to assist Mr. Foncha in working out details. Mr. Bestall could approach the Cameroons Government now. The timing should be flexible; if need be Mr. Eastwood could discuss this in Nigeria during his forthcoming visit.

5. It was agreed that the first thing was to discover whether the meeting in February between M. Ahidjo and Mr. Foncha was in fact going to take place and, if it was, to prevent any final conclusions being announced as a result of it. Whether Mr. Johnston attended depended on the date of his arrival in Yaounde; if he did not, Mr. Bestall could doubtless be present as he had been at previous meetings of this sort.

6. **Mr. Eastwood** said that as far as the North was concerned the position was different, since there was nobody there who could negotiate with M. Ahidjo and the U.K. would therefore have to approach the Cameroons Republic to find out what terms for unification would be. *Sir Andrew Cohen* said Mr. Foncha would probably try and bring the North within the scope of his discussions, but this should be prevented. It was agreed that it was better to leave terms of union of the North with the Cameroons Republic until negotiations with the South were well under way.

7. On U.N. participation in the discussions it was agreed that this should be avoided if possible, and that Mr. Field and Mr. Bestall should be told that there was no point in the U.N. taking part.

8. It was agreed –

- (i) that the Foreign Office should prepare instructions on the lines agreed in the discussion for their representatives in Yaounde;

- (ii) that the Colonial Office should communicate to the Nigerian Government the lines of action proposed;
- (iii) that, if this was agreeable to the Southern Cameroons Government, the Colonial Office should at the appropriate stage invite Sir Sydney Phillipson to undertake the task of assisting the Southern Cameroons Government to negotiate terms of union, and that the Southern Cameroons Government should be informed that the expense of his service would fall on their budget.

Observation

The manifest bad faith of the British Government is just unbelievable. The UK would not act in the best interest of a territory it had itself voluntarily assumed responsibility for. It still had responsibility over the external affairs of the Southern Cameroons but would not negotiate with Cameroun Republic regarding the future of the Southern Cameroons which was still under its Trusteeship. It insisted that Foncha, the Premier of the Southern Cameroons, should do the negotiation but proceeded to block him from negotiating as he saw fit. And why was the British Government so afraid of U.N. involvement in the negotiations? The British Government pushed its meanness to pettiness when it selected an expert of its choice and then passed the expense of his 'service' to the Government of the Southern Cameroons. Since the expense of the service of the 'expert' fell on the budget of the Government of the Southern Cameroons why was the said Government not allowed to select an expert of its choice? Or why was the selection of the 'expert' not done in consultation with the Government of the Southern Cameroons? Like an evil spirit Sir Andrew Cohen continued, throughout the Southern Cameroons Question, to exert a malevolent influence over the matter.

Government House
Lagos, Nigeria

4th April, 1960.

SECRET & PERSONAL

Dear Eastwood,

In the first paragraph of his letter to Boothby of the Foreign Office, dated 21st of March, of which copies went to Field, you and myself, Johnston wrote from Yaounde suggesting that I might wish to comment on what he has said or to correct any false impressions he may have gained.

2. I send you this letter to say that I think that Johnston has summed up the position very accurately. I doubt if Foncha & Co., really want unification pure et simple or imagine that they can get a loose form of confederation about which they are talking. What they do want is independence on their own "with outside aid". I am rather doubtful whether they will try and postpone the plebiscite but I think that they may well campaign on the lines that a vote for unification is no more than a vote against joining Nigeria and a vote to decide their own fate, whether it be in association or unification with the Cameroun Republic or on their own. And I think that if the vote goes against Nigeria, then Foncha will claim that whether unification takes place or not is entirely a matter for him and his opposite number in Yaounde to decide; if it does not take place then Foncha will consider the Southern Cameroons independent on its own.

3. I am sending copies of this letter to Johnston in Yaounde and to Field in Buea.

Yours ever
J.W. Robertson (signed)

C.G. Eastwood Esq., C.M.G.,
Colonial Office,
London, S.W.1.

Observation

On receipt of this letter Mr. Eastwood made and signed the following comment at the margin: "Could this letter be repeated to Sir A Cohen too ... the letter it refers to it can find it." Mr. Emanuel also received the letter and made the following handwritten remark at the margin: "For re..." In the document the words coming after 're' are lost altogether.

SECRET

Mr. Burr
Mr. Jerrom
Mr. Emanuel
Mr. Eastwood

I have seen a copy of part of the minutes of a meeting of the Defence Committee held on the 13th April which are registered on Defence Papers and in which our Minister of State and the Minister of State at the Foreign Office were invited to consider whether any further approach could be made to the United Nations regarding the Plebiscites to be held in the Cameroons. The Committee thought that, although the dates for the Plebiscites had been arranged by the United Nations and it would not be possible to change it without a new submission to the U.N. there might be considerable advantage in advancing the date and that this question should be examined together with the possibility of persuading the U.N. to accept responsibility for the maintenance of law and order.

I assume that the Committee had in mind an advance in the date of the Plebiscites of at least several months, and not only a small change; in other words a change which will bring the date of the plebiscite close to the date of Nigerian independence and thus provide substantial relief for us in the Defence commitment with which we are faced during the interim period after the Cameroon is separated from Nigeria. I think we must advise Ministers that such an alteration in the programme would not be practicable for the following reasons:

- (a) Before the Plebiscites are held, completely new registers of electors have to be drawn up in both parts of the territory and this process, together with the Plebiscite itself, is estimated to take some four months. I do not think the start of this process could be advanced before October, when it is planned to begin at present, both because we and the United Nations who are to send a team of observers

have already made up plans on this basis and the administration on the spot would find it very difficult to change them since they are at present involved in the arrangements for separation; and because, I believe, the climate in both parts of the territory makes it impossible to start the work of registration before mid-October at the earliest;

- (b) The time-table for the Plebiscite was fixed by the General Assembly which does not meet again until September. The Trusteeship Council which is meeting now, could not alter a decision of the Assembly. The Assembly could not take a new decision before the first week of October or so, and this would not allow time for any substantial change in the programme;
- (c) In any case, the arrangements whereby the Southern part of the territory is to be separated from Nigeria after independence for a period of about six months before the people vote on their future was part of a hard bargain between Mr. Foncha, the Premier, Dr. Endeley, the leader of the Opposition, and the U.N. majority. Mr. Foncha only accepted the direct question – Nigeria or Cameroun? – on condition that there was a short period of separation before the Plebiscite. There is already some discontent with this decision in certain quarters in the Southern Cameroons and to force Mr. Foncha to abandon his period of separation might mean forcing him into Opposition himself and our position would become very difficult.

The Defence Committee minutes also refer to the possibility of persuading the U.N. to accept responsibility for law and order. Defence Department will, no doubt, be advising on this point, but I think experience shows that if there were real trouble in the Cameroun (sic) (as there might well be with conditions so unsettled just over the border in the Republic of Cameroun) a U.N. force is unlikely to take effective action. I am attaching an extra copy of his minute in case Mr. Burr wishes to place it on his papers, and I am sending a copy to Mr. Sankey for Defence Papers.

(W.S. Ryrie)

21st April, 1960

Observation

Mr. W.S. Ryrie, author of this secret memo, did not sign the document.

April 29, 1960

CONFIDENTIAL

Since I wrote to you on March 22 about the question of the reunification of the Southern Cameroons with the Republic I have had the opportunity of reading the reports of the last Mission of the Trusteeship Council which visited the British and French Cameroons in October and November 1958. These United Nations documents, which are doubtless available to you, are T/1426 and T/1427 dated January 20 and 23 1959 respectively.

2. One point emerges very clearly from them. On the British side the main plank in Foncha's platform was separation from Nigeria. Unification with the Republic was secondary to this, and throughout Foncha seems to have envisaged that it might be achieved at a later date, *after the Southern Cameroons had achieved independence*. In support of this paragraph 103 and Annex VI p. 19 of U.N. document T/1426 are particularly relevant.

3. On the other hand on this side reunification *pure et simple* seems to have been throughout the objective of both government and opposition parties, with no indication of the terms under which it could be achieved.

4. My only reason for raising this question again is to ask whether we have either deliberately or inadvertently lost sight of the objectives to which it seems to me from such papers as are available to me, Foncha has clung fairly consistently since the end of 1958. At the meeting I attended with you at the Colonial Office I gained the impression that the only two possible alternatives to be put before the electorate in 1961 were union with Nigeria or union with the Cameroun Republic, the former as a fourth region, the latter on terms to be negotiated with the Camerounian government by H.M.G. If we find when Foncha and Ahidjo eventually get together that their viewpoints are so far apart that they are engaged in a *dialogue des sourds*, or if the timetable or continuing unrest in this country render it impossible to negotiate terms for reunification which can be put before the electors early in 1961, then it seems to be logical that Foncha should ask that the two alternatives in the plebiscite be union with Nigeria or *independence*, not continuing trusteeship.

5. In default of union with Nigeria independence would seem to me the answer to Foncha's problems and our own, except for the very big one of who pays the bill. An independent Southern Cameroons could surely negotiate its own terms for unification with the Republic, either absorption

in a unitary state, or a federal or confederal association, or even something as ill-defined as Ghana and Guinea, and it could take as long as it liked about it. It could even change its mind and its government and federate with Nigeria after all. If troops were still required for the defence of the frontier it would at least mitigate the inevitable accusation of imperialism if we were asked to provide them by an independent government, or conceivably Foncha might ask for and obtain a United Nations Emergency Force. All this seems to fit in with what Sir James Robertson said in his letter of April 1 to Eastwood in which he commented on mine to you.

6. I am putting forward these ideas as a cockshy, in the hope that you will help me to clear my own mind and fill in any gaps in my information. In particular I have nothing on file about the conditions under which Endeley and Foncha (presumably with the concurrence of the Trusteeship Council) agreed that the plebiscite should be postponed until 1961.

7. Nothing has changed as regards the timetable here for opening talks. As I have reported elsewhere the Assembly met yesterday and will shortly elect the President of the Republic, and it is expected that a new government will be elected by May 15. The session is to last 45 days, so it seems unlikely that Ahidjo will be able to visit Buea before mid-June. Field in any case said that Ahidjo's visit could hardly be arranged before he (Field) returns from the United Nations. Ahidjo will presumably be going as Head of State and will have to be received accordingly. A further complication is the opposition demand for the revision of the constitution here, which may, if successful, lead to a new referendum, and put off Ahidjo's visit still further, though such revision might also make some provision for the incorporation of the Southern Cameroons on a federal basis, which the present constitution does not. At any rate Ahidjo has assured me that the Southern Cameroons will have top priority once all the internal constitutional questions have been settled. I also know that he has been exchanging letters fairly frequently with Foncha, though neither side has revealed the content of them.

8. I am sending a copy of this letter to Sir James Robertson with an extra one for Field, and one to Adam Watson, while I am sending two extra ones to you which you may care to pass to Christopher Eastwood and to our Mission at New York.

Patrick Johnston

E.B. Boothby Esq. C.M.G.

Observation

This confidential letter (No. 1041/60) was written by H.E. Patrick Johnston. He was the British Ambassador to Cameroun Republic, Yaounde. The letter was addressed to Mr. Boothby, Head of the African Department in the Foreign Office. The emphasis appears in the letter itself.

RSF 13/6 Confidential Letter to Mr. Johnston, Yaounde, from C.B. Boothby

Thank you for sending me your letter No. 1041/60 of April 29 about the Southern Cameroons.

2. I think that the questions in your letter are mainly answered in the enclosed brief on "The Cameroons under U.K. Trusteeship" which was prepared for recent Anglo-French official talks on Africa. Paragraphs 3 and 8 are the most relevant. I also enclose an extract (you will be getting the full version in due course) from the draft record of the meeting on this item.

3. Apart from the objections stated in paragraph 8 of the brief we are not attracted by the idea of an independent Southern Cameroons because it would certainly not be able to pay its way and, as you suggest, we are not at all anxious to have to do so on its behalf. We cannot expect to get any advantage from being foster- mother to an independent Southern Cameroons and it is clear that it would have to be fostered by somebody. The responsibility would only be likely to embarrass us with the Nigerian and Cameroun Governments in turn. In fact, the sooner we can provide decently for the future of the Southern Cameroons and wash our hands of it, the more pleased we shall be.

4. In your paragraph 6 you asked about the conditions under which Endeley and Foncha agreed that the plebiscite should be postponed until 1961. This was a compromise between the desires of Foncha's party for a plebiscite late in 1959 and that of Endeley's party for a postponement for two or three years, which might bring home to the people of the Southern Cameroons the advantages of continuing association with Nigeria. The compromise really pleased nobody, but seems to have been brought about by the brotherly efforts of the Afro-Asian Group at the United Nations.

5. We are sending you copies of telegrams about the recent Trusteeship Council discussions on the British Cameroons but, as you will see, they do not take matters much further forward.

I am sending copies of this letter and enclosures to Adam Watson and UK Mission New York.

Observation

Paragraph 3 speaks volumes. The non-availability at the plebiscite of the political status option of independence for the Southern Cameroons was the doing of the British Government. First the British Government invented the myth about economic non-viability. The thinly veiled strategy was that repetition of this myth would convince the political leaders and people of the territory to choose to stay in Nigeria, where the British Government had literally dumped them for nearly half a century in a so-called administrative union. Secondly, when it appeared that that strategy was not going to achieve its intended purpose the British Government, out of pique (since it considered its primary responsibility as being towards Nigeria and the British Cameroons as merely infilling at the Eastern border of Nigeria to give it what Milner described in 1916 as secure boundary for Nigeria), decided to oppose, and unconscionably influence others to change their minds regarding, statehood for Southern Cameroons. One would have thought that if the Southern Cameroons, as an independent state, was not going to be able to pay its way that was a matter entirely for the people of that new state and not for Britain which being no more responsible for the territory had no obligation, and was not being asked (and even if asked was not obliged), to bankroll an independent Southern Cameroons. The Southern Cameroons was not the property of Nigeria or Cameroun Republic. So what lawful claim had either country over the Southern Cameroons such that its independence was going to embarrass the UK with both countries?

UNITED KINGDOM MISSION
TO THE UNITED NATIONS
99 PARK AVENUE
NEW YORK 16, N.Y.

June 7, 1960

1519/166/60 CONFIDENTIAL

My dear Christopher,

You will have seen our Saving No. 135 to the Foreign Office reporting some remarks which Kosciusko-Morizet made at the end of the debate on the Cameroons about talks with Ahidjo on unification. These remarks may indicate that the Cameroun Government is now taking more interest in this question, although I do not think great importance should necessarily be attached to the hint which Kosciusko-Morizet dropped about the possibility about amending the constitution.

2. My immediate purpose in writing his letter is to refer to the question finding out from Ahidjo the terms of unification for the Northern Cameroons with the Cameroun Republic. We agreed when I was in London in January that we should try and get something worked out with Ahidjo for the South first and then deal with the North, but we have not been able to get on yet with negotiation for the South and it now seems Ahidjo wants to talk to the Federal Government also – this seems to make it likely that he will raise the question of the North at the same time and we shall have to be prepared for this. Moreover, in view of Rosciusko-Morizet's remarks that the Cameroun Republic merely wishes to learn the views of its neighbours, the inhabitants of the Cameroons under United Kingdom Administration, Ahidjo may try to get talks on the Northern Cameroons – in which he has some reason to be more interested than in the South – with local leaders rather than with Johnston in Yaounde. I think we must consider immediately how we are to meet such a proposal. The difficulty would seem to be that there is no single body of in the Northern Cameroons who could be appointed.

3. Turning to the South, I should like to make one comment o your letter WAF 16/440/03 of 12 May to Boothby. I entirely agree that we must continue to assume that the programme established by the General Assembly resolution will go ahead, and, more than this, I think we must use our influence to ensure that this does happen. I think it is important

that we do not allow this matter to slide, as may happen if we are not sufficiently firm with Foncha – and perhaps also with Field – about the “third question” movement. I believe a firm attitude on this now will save us a great deal of trouble later and I think that H.M.G.’s position should be made abundantly clear to Foncha in an effort to scotch tendencies towards the third question. While John Field was here he gave us the impression that his own attitude on this point was not unsympathetic to Foncha’s point of view – this perhaps is not surprising. I think it may be necessary to tell Field firmly that the policy of H.M.G. is to discourage an tendency towards a “third question” very strongly because this could not lead to any reasonable solution of the territory’s problems and could only involve the United Kingdom and I think the Southern Cameroons as well as Nigeria and the Cameroun Republic in embarrassment.

4. I am not copying this letter to anyone; nor would I wish it to go beyond the Colonial Office.

Yours ever
A.B. Cohen

P.S. I have just seen Yaounde’s letter 46 of the 4th June. This is ... sent an ... by telegram

Observation

Sir Andrew B. Cohen was head of the UK Mission at the UN. He spearheaded, as this letter and others from him show, the British sustained campaign against independence for the Southern Cameroons, a campaign in which they did not hesitate to resort to duplicity and arm-twisting to achieve their goal.

UNITED KINGDOM MISSION
TO THE UNITED NATIONS
99 PARK AVENUE
New York 16, N.Y.

June 10, 1960

CONFIDENTIAL
1519/168/60

Dear Christopher,

When I wrote my letter 1519/166/60 of June 7 about the Cameroons, I had not seen Hall's letter 1847/S.6/112 of May 25 to Kale about the "third question". The terms of the last sentence of that letter cause me some concern. It seems to me that they amount to a statement that the United Nations may well be prepared to reconsider its decision on the choices if a majority of the Southern Cameroons Assembly wishes it to be so. This seems to me likely to encourage Foncha, if he wants to ask for the questions to be changed, to come to the United Nations and do so. It is impossible to predict what reception he would in fact get here if he did any such thing; I think it quite likely that he would fail to secure the necessary two-thirds majority, but in the process the United Kingdom and the United Nations generally would be placed in an exceedingly difficult position, and I need not elaborate on the possible complications for our relations with both Nigeria and the Cameroun. I must reiterate, therefore, what I said in my letter of June 7, that I think we ought now to use all our influence to prevent this third question idea being raised at the United Nations. This may mean saying publicly that we can see no likelihood of the United Nations agreeing to changing its decision on this matter; to say this would of course be to take a view about what the General assembly might do in the future, but I believe it would be a good deal nearer the truth than the last sentence of the letter and I am sure that we should run no risk of serious criticism in the United Nations for having said so.

2. I do not know whether any way can be found of correcting the impression which I fear the letter to Kale, when it is published as no doubt it will be, will make. Perhaps some opportunity may arise in connection with some official communication to Foncha or to the Cameroons Commonsense Congress. I hope that a way can be found of doing this as soon as possible.

Yours ever

Godfrey Caston

for (A.B. Cohen)

C.G. Eastwood, Esq., C.M.G.

Observation

This letter, written by Mr. Cohen and recommending duplicitous conduct, was signed by Mr. Godfrey Caston on Cohen's behalf as Cohen was away from New York at that time. The letter was addressed to Mr. Eastwood of the Colonial Office. Mr. Emanuel minuted on top of the page of this correspondence: "For early action."

ONWARD SAVING TELEGRAM
FROM NEW YORK TO FOREIGN OFFICE
(U.K. Mission to the United Nations)

Sir P. Dixon
No. 145 Saving
June 13, 1960
Despatched June 13

CONFIDENTIAL
BUILD

Addressed to Foreign Office telegram No. 145 Saving of June 13, repeated for information Saving to Yaounde No. 7 (S) and Governor-General Lagos No. 9 (S).

Cameroons. Yaounde telegram No. 46

The attitude adopted by the Prime Minister and Minister of Foreign Affairs is inconsistent with that taken up by Kosciuszko-Morizet (France) when speaking on behalf of the Cameroun Government in the Council (my Saving No. 135). We hope therefore that it will be possible to return to the charge soon with the Prime Minister or with Ahidjo himself. In doing

so, the point might be made that during the debate on the British Cameroons in the Trusteeship Council many speakers, both administering and non-administering members stressed the need to clarify the arrangements under which the territory would join the Republic of Cameroun, if the people so decide, and to do this in advance of the plebiscite so that the people could choose with their eyes open. We have of course repeatedly made this point ourselves in the United Nations.

2. In order to persuade the Cameroun Authorities to be more forthcoming, it may be necessary to refer to the North as well as the South, even though we had at first intended to leave this until later. This may lead to a proposal from Ahidjo that he should talk to the representatives of the people in the Northern Cameroons since Kosciusko-Morizet in the Council referred to the desire of the Cameroun Government to open conversations with “representatives of the peoples of the Northern Cameroons”. We realize that this may present difficulties but it looks as if one reason for the apparent contradiction between the attitude of the Prime Minister and the attitude adopted by the French delegation here is that the former is thinking primarily of the Southern Cameroons whereas Kosciusko-Morizet had in mind mainly the North.

DISTRIBUTION

Mission
Foreign Office 3
Yaounde 1
Governor-General, Lagos 1

Observation

A handwritten indication on top of the page stated: “Received June 14”.

July 19, 1960
No. 26
(1041/60)

CONFIDENTIAL

Sir,

With reference to my telegram No. 60 of the 18th of July I have the honour to report that I accompanied President Ahidjo and a delegation from the Government of the Cameroun Republic on an official visit to the British Southern Cameroons from the 15th to the 17th of July. The delegation from the Republic included the Prime Minister, Mr. Assale, the President of the National Assembly, M. Kemayou, the Minister of State M. Ninyem Kamdem, the Minister of Armed Forces, Mr. Mbaya, a Deputy, M. Batonga, and a large retinue of officials and representatives of the press. The President and members of his personal staff were the guests of His Honour Mr. J.O. Field, Commissioner for the Southern Cameroons, and Mrs. Field, and he was most appreciative of their generous hospitality. The composition of the delegation from the Republic and the length of their stay were only settled at the very last moment but nevertheless the arrangements for their reception were highly successful; (fortunately Mr. Milne, Deputy Commissioner, came over to Yaounde two days before to settle the final details) and from the personal point of view all members of the delegation were extremely satisfied with their reception.

2. The object of the visit was, of course, to engage in preliminary and unofficial talks with Mr. Foncha and his Ministers about the conditions under which unification between the Southern Cameroons and the Republic could be achieved, if the plebiscite went in favour of the Republic. As you are aware it has been extremely difficult to induce the Government of the Republic, owing to their internal preoccupation, to devote their attention to this matter and in the event it was Mr. Foncha who started the ball rolling and submitted outline proposals to President Ahidjo of which a copy is enclosed for ease of reference. It would, however, be a mistake to assume, as I myself was inclined to do at first, that the difficulty of getting the Government of the Republic to take the initiative indicated an lack of enthusiasm on their part for the cause of unification. All other considerations apart, the President and his Ministers cannot afford to be over-bid in this matter by Dr. Moumie and the exiles in Conakry and the President is subject to pressures from the Bamileke Ministers in the Government, led by Mr. Ninyem, for whom reunification is an article of faith. From Mr. Foncha's point of view the President's

visit gave a very necessary boost to his political prestige I the Southern Cameroons and I fact his position would have been very seriously undermined if it had been deferred any longer.

3. The efforts made by Mr. Field and myself to draw a distinction between the state visit of the President of the Republic as the guest of Her Majesty's Government and its political objectives were consequently foredoomed to failure. It was vain to hope that the question of re-unification would only be discussed in private. The President set the tone on his arrival at Tiko Airport by replying to the Governor-General's message of welcome, read by Mr. Field, with an impassioned plea in favour of re-unification addressed to the assembled crowd, and his speech and that of Mr. Foncha at the State Dinner followed the same line. Even the drafting of the communiqué announcing the visit engaged Mr. Milne and myself in two hours of difficult argument with the Secretary-General to the Presidency and the final result, the French version of which is enclosed, was by means as neutral as we would have wished. Mr. Foncha arranged for the President to appear at a political rally for his supporters at Victoria, which was not included I the original programme. It is for Mr. Field to say whether the political aspects of the visit have proved embarrassing to him in relation to Dr. Endeley and the Opposition or to the Government of the Federation, but it is my own feeling, for the reasons cited above, that the President could hardly have been expected to refrain from making his visit into a political demonstration.

4. The discussions were held in private and no British officials were invited to take part in them at any stage. It does not appear that any very concrete proposals emerged from them beyond acceptance by the Cameroun Government of the principle that if the plebiscite went in favour of unification it would be on a federal or confederal basis. Mr. Field, Sir Sidney Phillipson, and myself had a final discussion with the President and Mr. Foncha, at which we made the point that as administering authority we had given an undertaking at the United Nations that the electorate would be given a clear indication before the plebiscite of the terms under which unification with the Republic would take place if they voted for it, and that this in its final stages must be a matter for negotiation between Her majesty's Government and the Government of the Republic. The President accepted this point and also that the Southern Cameroons Opposition should be associated, if they wished, with the final discussions, in the same way as Mr. Foncha was associated with the constitutional discussions with the Federation. He said however that first of all that his Government wanted to have further semi-official discussions with Mr. Foncha. On their side they had not really studied Mr. Foncha's proposals

in detail, which is perhaps not surprising as they are involved in the present time in very difficult negotiations for the renewal of the military and financial agreements with France. They have agreed that there should be a further meeting in Yaounde on the 10th of August with representatives from the Southern Cameroons and they hoped meanwhile to exchange detailed comments. Mr. Field urged that the terms of unification should be settled in any event before the plebiscite campaign started, which he thought would be in October, when the electoral roll would be compiled. The President made the very important point that the Constitution of the Republic could not be changed to provide for a federal form of association before the plebiscite took place. The position of the Republic in this respect was different from that of the Federation of Nigeria. The Federal Constitution of Nigeria was not devised specifically to meet the problem of the incorporation of the Southern Cameroons. The unitary constitution of the Republic was designed to meet the situation at that time. If the Southern Cameroons voted for incorporation a new federal constitution would have to be brought into effect. The President ...[word illegible] legally given an assurance in advance that such a constitution would be promulgated, though in fact the revision of the constitution is a fairly simple process as it can be voted by a two-thirds majority of the National Assembly, or if it is voted only by a simple majority of the Assembly it has to be submitted to a referendum. Under existing circumstances it would seem that a two-thirds majority is guaranteed.

5. There is however an important corollary to this. If the plebiscite in the Southern Cameroons goes in favour of the Republic – and the President's visit would appear to have enhanced the likelihood of this – there may be a considerable delay before the result is implemented. Sir Sidney Phillipson gave me a copy of a personal appraisal of the situation in the Southern Cameroons which he had submitted, in which he made this point. It would certainly appear probable to me that Trusteeship may have to continue for several months after the plebiscite; moreover if the Southern Cameroons are incorporated as a federal unit of the Republic it would certainly not mean that the entire British administration will be able to pack and go home, any more than the entire French administration were able to do so when the Republic achieved independence. The financial implications of incorporation in the Republic are not a matter on which I am competent to give an opinion.

6. As regards the instructions contained in your telegram No. 70 of the 8th of July, I managed to make the point that Mr. Foncha was not empowered to speak for the Northern Cameroons. The President made

one passing reference to the Northern Cameroons in his speech at the State Dinner and it was evident that we cannot expect a declaration from the Camerounian Government about the terms for incorporation of the Northern Cameroons until the terms regarding the Southern Cameroons are clarified, and to press the point now would only confuse the issue.

7. It is for Mr. Field rather than myself to assess the effect of the President's visit on public opinion in the Southern Cameroons but from my superficial impression it seemed that he had drawn large crowds of the curious, but not very many enthusiastic supporters. I understand that the political rally at Victoria, at which of course I was not present, was attended by four to five thousand, but that Victoria is a stronghold of the Opposition, while Mr. Foncha draws much of his support from the grassland country. It is worth recording that I received, at Mr. Milne's request, a visit from a certain Mr. Ema, the Secretary-General of the Cameroon Commoners Congress, which I gather is a third party favouring independence within the Commonwealth. Mr. Ema was confident that if a general election were held now his party would sweep the board, though I am in no position to judge how far his optimism is justified. He said that he intended to petition the United Nations to accept only a clear majority *of the registered electorate* in the plebiscite as decisive, and that realising that a third choice in the plebiscite was out of the question he intended to conduct a campaign for abstention. Naturally I did not offer any opinion on his views and confined myself to answering various questions of facts which he wanted to put to me.

8. There was one other important development during the visit. Mr. Foncha saw Dr. Moumié recently. It seems he has hopes of acting as an intermediary between him and the Cameroonian Government. I learnt from one of the Ministers that he had a private discussion with the President about this and pleaded for Moumié's return. The Minister in question expressed to me his personal opinion that the Camerounian Government could not now countenance Moumié's return under a safe conduct, as they had incontrovertible evidence of his responsibility for recent assassinations in Douala, which took place after the expiry of the amnesty. I feel, however, that it is important to consider the question of unification between the Southern Cameroons and the Republic, not only in the context of the future of the Southern Cameroons but also in the context of the rebellion sponsored by Moumié and the part it plays in the Communist bid for domination in Africa.

9. I enclose an extract from the local press bulletin which gives the text of some of the President's speeches, and also that of the final communiqué agreed between him and Mr. Foncha.

10. I am sending copies of this despatch with enclosures to His Excellency the Governor-General of the Federation of Nigeria, His Honour the Commissioner of the Southern Cameroons and to the United Kingdom Representative with the United Nations.

I have the honour to be,

With the highest respect,

Sir,

Your obedient servant

Right Honourable
Balwin Lloyd, C.B.M., M.P.

Observation

This report was from Mr. Patrick Johnston, UK Ambassador, Yaounde, to Balwin Lloyd of the Foreign Office. It is a measure of the confusion in the minds of the British Government officials that they interpreted “joining Cameroun Republic” variously as “incorporation in Cameroun Republic”, “reunification with Cameroun Republic”, and “unification with Cameroun Republic” as if the terms ‘joining’, ‘incorporation’, ‘reunification’, and ‘unification’ meant one and the same thing.

SECRET AND PERSONAL

Sir,

The General Assembly of the United Nations decided in the latter part of 1959 that the choices open to the peoples of the Northern and Southern Cameroons in the plebiscites to be held next February should be whether they should achieve independence by joining the independent Federation of Nigeria or by joining the independent Cameroun Republic. It was obviously desirable therefore to do what we could to make sure that the implications of either choice were made known to the people before they cast their votes.

2. When we met in London in May you secured from Nigerian leaders a re-affirmation that if the vote went in favour of joining Nigeria the Southern Cameroons would be re-admitted to the Federation with the full status of a Region; they also agreed that the Northern Cameroons would be re-absorbed in the Northern Region of Nigeria with the status of a separate Province. The implications, therefore, of a vote in favour of Nigeria in either part of the Cameroons are clear.

3. The implications of a choice in favour of “reunification”, as I is popularly termed, with the Cameroun Republic have not so far been at all so clear. I have, therefore, for some time been endeavouring with Her Majesty’s Ambassador in Yaounde to spur the leaders of the Southern Cameroons and the Cameroun Republic (there are no representative leaders in the Northern Cameroons) to meet together in order to work out the manner in which unification might take place, and to agree upon some statement which could be made known to the voters. The result of these efforts has been that a month or so ago Mr. Foncha, the Premier of the Southern Cameroons, submitted to Monsieur Ahidjo through Her Majesty’s Ambassador draft proposals for a “loose” form federation. Copies of these papers were forwarded to you at the time. Mr. Foncha also invited Monsieur Ahidjo to visit Buea to discuss the proposals with him. That invitation was accepted and the visit took place from the 15th to 17th July.

4. I now enclose a copy of a letter from the Commissioner of the Cameroons, from which you will observe, as the Commissioner says, that these discussions have produced little concrete beyond an agreement to discuss again in Yaounde. This in itself gives little cause for satisfaction but is probably no reason for grave concern. But what does cause me grave concern, and is the reason for addressing you in this dispatch, is the further information conveyed to me verbally by Mr. Field regarding his subsequent discussions with his Ministers.

5. Mr. Field has told me that on the morning of the 20th July his Ministers came in a body to discuss with him the terms of a dispatch (No. GG. 196 of the 24th June) in which you adduced arguments (with which, with respect, I am in full agreement) for declining the request they had previously conveyed to you through the Acting Governor-General to raise a local military force. You will recall that in that dispatch you pointed out that, whatever the outcome of the plebiscite, the Southern Cameroons would be incorporated with an independent sovereign state, either Nigeria or the Cameroun Republic, which it was reasonable to assume would be competent and willing to provide for the internal and external security of

all who dwelt within their borders. Mr. Field directed his Ministers' attention specifically to this argument and was immediately told that Monsieur Ahidjo had made it quite clear during his visit that the Cameroun Republic would not in any way be able to accept responsibility for the security of the Southern Cameroons, and that the internal and external security of the Southern Cameroons would have to be a matter entirely for local provision. The Ministers were clearly concerned that on termination of the Trusteeship Agreement the British forces, which Her Majesty's Government has now decided to send to the territory to relieve Nigerian troops when Nigeria becomes independent, would be withdrawn, and the Southern Cameroons would be left defenceless against the attacks of terrorists from across the present Cameroun border save, presumably, for the Cameroonian elements of the Nigerian Police Force posted in the Southern Cameroons. Leading on from this somewhat startling revelation of the Cameroun Republic's lack of ability to cater for the basic needs of those whom it was prepared to accept within its borders, the Minister disclosed to Mr. Field that, in so far as they had agreed to anything at their talks over the weekend with Monsieur Ahidjo, there was agreement on all sides that there could be no immediate "reunification" if the plebiscite went in favour of the Cameroun Republic, but rather a period – and a fairly lengthy one at that – when both territories would remain independent and would, in their own words, slowly "grow together". In other words, there would be a lengthy betrothal with a marriage in view at some distant date when the parties, at present penniless, have the funds to build a home, and would have reached an identity of view as to where and how it is to be built. His Ministers went on to inform Mr. Field that the only joint institution at present contemplated by either party was a "Joint Consultative Council" with neither executive nor legislative authority but with the duty of considering such common problems as might be referred to it.

6. Mr. Field then pointed out to his Ministers that proposals along those lines did not accord with the terms of the resolutions regarding the future of the Southern Cameroons adopted at the 14th Session of the General Assembly. That body had regarded the only feasible future of the Southern Cameroons to be one which linked them in an immediate marriage with one or other of their neighbours with no period of independent "betrothal" with a view to marriage at some later and unspecified date. His Minister told Mr. Field that Monsieur Ahidjo informed them that he intended to raise this himself in the United Nations, where he would argue that how and when the people of the Cameroons brought about unification was their own business, and that this was how they proposed to do it.

7. It may be, of course, that the further talks planned to take place next month in Yaounde may produce some concrete proposals but it seems unlikely that they will do more than sketch out the general lines on which the two territories may come together, without specifying when the “betrothal” will begin or how long it will take.

If this is indeed the position when the plebiscite takes place, then I think it likely that a not negligible number of voters (possibly those who at present favour a “third choice”), who are not themselves anxious to throw in their lot with the Cameroun Republic, will be content to vote in favour of joining the Cameroun Republic knowing that “reunification” is a long way off and hoping that it will never take place. The latest assessment given to me with regard to the trend of feeling in the Southern Cameroons is that those who positively want to join Nigeria and those who positively want to join the Cameroun Republic and will vote accordingly are fairly evenly matched. There is, however, a considerable proportion of the electorate who would be inclined to vote I favour of the Cameroun Republic, not because they are anxious to join it but because they are particularly anxious not to rejoin Nigeria. The prospect of a long and indefinite independent state of “betrothal” is, therefore, likely if anything to swell the vote against Nigeria, and unless some positive action is taken and proves successful (I allude to this later in this dispatch) I think that it is wise to expect that the plebiscite in the Southern Cameroons will produce a vote averse to Nigeria, and to begin now to take stock of affairs in the expectation of such a result.

9. It seems to me that if the leaders of the Cameroun Republic and the Southern Cameroons get away with an interpretation of the United Nations’ resolution in the manner they now contemplate, very grave issues may arise. The Cameroun Republic itself might well have given us a foretaste of the recent events in the Congo had it not been for the temporary arrangements made with France for the provision of security forces. What is going to be the attitude of Her Majesty’s Government in the United Kingdom to the Southern Cameroons if the circumstances, which I have suggested may arise, do arise? The Southern Cameroons during an independent “betrothal” will be viable neither economically nor from the point of view of law and order nor in respect of the personnel to keep the basic services going. There would indeed be a complete collapse of government. Mr. Foncha has said that he would look to the United Kingdom for continued aid, but at the same time he can and will not scruple to accept it from Czechoslovakia and Russia. Is that United Kingdom aid going to be forthcoming? It might cost not less than £1/2m.

a year for up to 10 years in direct financial grants and for the provision of personnel. Is the United Kingdom prepared to go even further and say in the United Nations that under the circumstances it cannot think it proper to terminate the Trusteeship Agreement? If the latter course is taken the United Kingdom would risk incurring the charge from many independent African countries, and presumably from the Communist bloc, of hanging on to its colonial possessions. But if the United Kingdom is not prepared to help, where will Mr. Foncha turn? It is possible that Dr. Nkrumah might see advantage in coming forward as the big African brother to succour the poor emergent abandoned by the skinflint imperialist power. But I am sure that even if Dr. Nkrumah is not ready to help there will be offers of generous and disinterested aid from Eastern Europe unless there is a ready alternative. We are now seeing the beginning in the Congo of what may be a new phase in Africa – the physical intervention of the United Nations to prevent chaos. Unless the United Kingdom is itself prepared to continue to support the Southern Cameroons generously, would it not be prudent now, and before chaos does develop in the Southern Cameroons (and quite possibly in its neighbour too if French aid is withdrawn, as I suppose it may be), to bring to the notice of the Secretary-General of the United Nations the definite possibility that in some nine or ten months time this particular part of Africa may go very rapidly downhill unless some agency steps in to bolster it up and nurse it along for some years. I have no particular liking for the United Nations as an executive agency for administering emergent territory, and it is difficult to judge where such a system may eventually lead, but it seems to me that the choice must lie between continuing United Kingdom sponsorship or calling in the United Nations. The latter course seems infinitely preferable to risking the chance of letting Mr. Foncha sell out to the highest bidder. May I suggest, with respect, that these matters should be given the highest and earnest consideration?

10. I referred in paragraph 8 of this dispatch to the possibility of some positive and successful action to sway the plebiscite in favour of Nigeria. Provided our hopes are fulfilled that an independent Nigeria will continue as a viable and peaceful country, reintegration of the Southern Cameroons with the Federation would, of course, remove the possibilities of chaos in the Southern Cameroons completely. Sentiment apart, it is folly for the Southern Cameroons to choose other than to rejoin Nigeria. But the Nigerian case is steadily going by default, and it is going by default because of a definite attitude of mind developed among the Nigerian leaders that the Southern Cameroons is not worth a mass. I myself find it hard to refute their arguments. They have offered full regional status to the Southern Cameroons – as many senators for the Southern Cameroons

800,000 as for the North's 19 millions. They have contributed generously to past deficits in the Southern Cameroons. They have bolstered up the Cameroons Development Corporation, the life blood of the economy of the Southern Cameroons. They reckon they have been as generous as possible, and even more generous than dignity really permits. And they have received in return what they at any rate feel are insults and ingratitude.

11. I have wondered whether it is right that the Government of the Southern Cameroons at this time should be composed of Ministers who have definitely committed themselves to support one of the choices to be decided at the plebiscite. Among a primitive and uneducated population the fact that the Government (which to the unsophisticated included the British officers employed in the Civil Service) supports "reunification" cannot but give tremendous impetus to that solution, and thereby impairs the apparent impartiality of the officials. Furthermore the Government in power exercises considerable authority in the appointment of local government councils, and in appointments to the lower grades of the Civil Service. This authority at present is being openly used to ensure that supporters of "reunification" are appointed to such offices.

It seems to me therefore that the present Government which has no majority in the Assembly where the members on each side number thirteen have this great advantage in these ... [group of words illegible]. The risk of the Commissioner in administering the territory so that a fair and free plebiscite can be held is also made far more difficult by his having to carry along with him an Executive Council whose whole aim is to ensure that reunification is achieved. This situation has already been brought to your notice, and I readily agree that a constitution without a ministerial system could probably not be introduced on separation from Nigeria on the 1st October 1960, in view of the likely repercussions in the United Nations and in other quarters. But should the present Government make the Commissioner's task impossible, it may become necessary seriously to consider taking such a step before long. No alternative ministerial government could be found to take the place of the present one as the Opposition in the House of Assembly is just as committed to joining Nigeria as the present Government is to joining the republic.

12. I do not think I could persuade my Nigerian Ministers to make an all-out effort to win over the Southern Cameroons. Indeed such a campaign might do more than incite still further the anti-Ibo feeling in the Trust Territory. But I will take what opportunities may arise to encourage them to be more sympathetic and forthcoming. I have already spoken to the

Prime Minister telling him of my fears. I found him not unresponsive. He is considering now whether he might not make a broadcast to explain the advantages of a vote to rejoin the Federation, and to assure the people of the Southern Cameroons of a ready welcome if they vote that way. I think that it is also likely that the political parties in the Southern Cameroons which favour a return to Nigeria may receive help in cash and in kind during the plebiscite campaign from some at least of the Nigerian political parties.

13. Apart from attempting to arouse Nigerian opinion to influence the plebiscite I Nigeria's favour there is one other thing which I can see for the United Kingdom to do now to assist. As Administering Authority the United Kingdom cannot, of course, indulge I direct propaganda for a pro-Nigerian result. But they could, I suggest, be more than forthcoming in assisting the Southern Cameroons financially during the next few months. As you know only too well the Southern Cameroons is at (sic) agricultural land in Africa – and it is in great need of improved communications and various other basic service to enable this potential wealth to be exploited for the benefit of its inhabitants. Obviously it is not attractive to a government any more than to a private investor to sink large sums into a country whose political future is so obscure. But the country's leaders are very conscious of its potentialities for development and feel greatly frustrated that they can make so little headway in furthering that development. A reasonably forthcoming attitude on the part of the United Kingdom in one of two quite modest proposals for a road here, the repair of a bridge there, for minor schemes of community development – would yield a useful return in increased goodwill towards the British connexion and a greater reluctance to depart from it. I am not thinking in terms of millions, or hardly even of hundreds of thousands, but reasonable generosity on a quite modest scale would prevent these people from continuing to feel that their only friends are the Cameroun Republic. Such a policy on financial aid might well yield an appreciable influence on the result of the plebiscite. It would at least help to dissuade Mr. Foncha from feeling that he is deserted and make him the more ready to listen to healthy advice if his country is finally separated from Nigeria.

14. I have confined myself to the problems as I see them which may well arise in the Southern Cameroons. I have scarcely referred to the Northern Cameroons. I have reasonable hopes that I that part of the Trust Territory the plebiscite will result in reintegration with the Federation of Nigeria. If, however, the result went the other way then the vacuum which I fear would be that much the greater, and the need for some stabilizing influence equally greater.

15. I have attempted in this dispatch to bring to your attention the probability that a dangerous situation may arise across the eastern border of Nigeria in nine months time. I have suggested that there are two methods of addressing the situation. The first, and quite clearly the happiest, is to avoid the problems by ensuring that the plebiscite goes in favour of Nigeria. I fear that is the best solution which we shall be hard put to secure. If we cannot avoid the problems we are forced back on the second method – that of ensuring that some agency is immediately available to prevent the creation of a vacuum, and that the choice of that agency does not go by default.

16. I am sending copies of this dispatch to Her Majesty's Ambassadors to Dakar and Yaounde, the United Kingdom High Commissioner in Accra, the Commissioner of the Cameroons in Buea, and Mr. Caston in New York.

I have the honour to be,
Sir,
Your most obedient, humble Servant

J. W. Robertson [signed]
GOVERNOR-GENERAL

The Rt. Hon. Iain Macleod, M.P.
Secretary of State for the Colonies
Colonial Office,
LONDON, S.W.1.

Observation

The date of this dispatch is undecipherable but the contents of the document and the next document below show that it was written in the last week of July 1960, precisely on the 25th of July. Britain, the “skinflint imperialist power” (to use Mr. Robertson’s apposite characterization) had become really obsessed with imagined bankruptcy if it had to provide aid to an independent Southern Cameroons. This dispatch showed Sir James as an alarmist, a prophet of doom and a poor reader of events and situations regarding the Southern Cameroons. It was no secret that the British wanted the Southern Cameroons to be incorporated into Nigeria. The so-called economic non-viability of the Southern Cameroons was a bogey created by the British Government in 1959 for the purpose of

influencing the plebiscite vote so that the people of the Southern Cameroons return to the political and economic backwater of Nigeria where the British had caged them for almost half a century. Sir James' recommendation that the people of Southern Cameroons be bribed with financial peanuts so as to sway the plebiscite vote in favour of Nigeria was simply preposterous and disgusting.

NOTES OF A MEETING HELD AT THE COLONIAL OFFICE ON TUESDAY, 2nd AUGUST, 1960, TO DISCUSS THE SOUTHERN CAMEROONS.

Present

Mr. Eastwood (in the chair) (Colonial Office)

Mr. Jerrom Colonial Office

Mr. Burr Colonial Office

Mr. Sankey Colonial Office

Mr. Ryrie Colonial Office

Mr. Ross (Foreign Office)

Mr. Faber Foreign Office

Mr. Greenhill (C.R.C.) [i.e. Commonwealth Relations Office]

Mr. Eastwood referred to dispatch Personal No. 43 of the 25th July, 1960, from the Governor-General of Nigeria, I which it was reported that M. Ahidjo and Mr. Foncha were agreed that if the plebiscite in the Southern Cameroons resulted in a majority for unification with Cameroun Republic, there should be an interim period during which both territories would be independent, before final union; and that M. Ahidjo had said that he did not intend during this period to take over responsibility for security in the Southern Cameroons. Sir Andrew Cohen had expressed the view that we should now tell Messrs. Foncha and Ahidjo that we would wish to terminate our trusteeship of the Southern Cameroons as soon after independence as possible but that we would not hand over unless adequate arrangements for administration and for maintaining order had been made. We would therefore favour the establishment of a UN Commission to discuss the procedures for the transfer of responsibilities to the Cameroun Republic. Sir Andrew Cohen apparently believed that the suggestion of a UN Commission might induce or oblige Messrs. Foncha and Ahidjo to agree to arrangements for unification at an early date. *Mr. Ryrie* questioned whether great weight should necessarily be attached at this stage to M. Ahidjo's statement that he would not assume responsibility for security

and suggested that our first objective should be to induce to agree to do so. One method might be to get the General Assembly, in the autumn, to adopt a resolution (perhaps a resolution deciding to hold a resumed Session to deal with the matter of the plebiscite) which would have the effect of virtually committing the UN to terminate Trusteeship at an early date.

2. **Mr. Jerrom** raised the question whether Mr. Foncha and M. Ahidjo might be able to get approval for postponement of real unification even after the termination of Trusteeship, and *Mr. Ross* wondered whether there was not a possibility that opinion in the UN would come round to acquiesce in complete independence for the Southern Cameroons after the plebiscite. *Mr. Ryrrie* said that at the last Session Afro-Asian opinion had been against this but it was difficult to predict how the African bloc would move in future. *Mr. Jerrom* thought the majority in the UN would probably favour immediate unification with either Nigeria or Cameroun as the case might be, but there was a possibility of a change on the lines suggested by Mr. Ross.

3. **Mr. Eastwood** referred to the suggestion in paragraph 7 of his letter of the 28th July to Mr. Ross that we should now tell Buea and Yaounde that we thought it highly unlikely that the UN would be prepared to accept the arrangements proposed by Messrs. Foncha and Ahidjo; and to Sir Andrew Cohen's suggestion ... [group of words lost] arrangements ... [group of words lost] since this might encourage M. Ahidjo to think that he need not assume responsibility for the Southern Cameroons for some time. *Mr. Jerrom* thought that in the communications to Buea and Yaounde no reference should be made to the possibility of a UN Commission; these communications should merely say that we would wish to have Trusteeship terminated as soon as possible after the plebiscite and that we expect the UN would insist on immediate implementation of the people's decision.

4. **Mr. Burr** suggested that at the General Assembly we should try to get a decision that a resumed Session would be held at which the Trusteeship Agreement would be terminated by a definite date and should make it clear that if, for any reason, the plebiscite result could not be implemented by that date we would propose that a UN force should be sent to maintain order in the Southern Cameroons. *Mr. Ryrrie* did not think that any such proposal should be made at this stage since M. Ahidjo might yet be persuaded to take over the Southern Cameroons at once, if the people voted for this. *Mr. Burr* thought there was much to be said for putting forward a concrete plan now to make it clear that we did not intend to

stay in the Southern Cameroons. No effective means of putting pressure on M. Ahidjo to agree to take over full responsibility has been suggested and we should therefore put forward our own plan. *Mr. Eastwood* said that in any case we would want a UN presence in the form of a Commission to supervise arrangements for unification but he thought it would be premature to say now that we hoped that the UN would send a force to maintain law and order. In order to emphasise the point that we intended to leave the Southern Cameroons ... [group of words lost] that we hope to be able to surrender Trusteeship by the 1st July. *Mr. Sankey* thought there would be much advantage in mentioning a particular date – a tactic which would be likely to find favour in the UN and would serve to put pressure on Messrs. Foncha and Ahidjo to make concrete arrangements for unification at an early date. *Mr. Faber* had doubts about this, however, on the ground that we might be faced with circumstances, such as a serious threat of Communist penetration, in which we would not wish to leave the Southern Cameroons by a particular date and he therefore thought we should not commit ourselves on this point at present. It was agreed that we should now inform Messrs. Foncha and Ahidjo that we were acting on the assumption that Trusteeship would be terminated by 1st July but should not say this formerly or publicly. It might be useful to consider later the adoption of a resolution by the Assembly deciding to hold a resumed Session with a view to termination by that date.

5. **Mr. Faber** said that the real difficulties which M. Ahidjo would face in providing troops to maintain order in the Southern Cameroons should be recognized. His limited resources were already stretched. *Mr. Ryrie* suggested that this raised again the question whether a defence force should not be raised in the Southern Cameroons so that there would be a means of maintaining order if the territory joined the Cameroun Republic. *Mr. Eastwood* said that it had just been decided that this was not practicable and *Mr. Sankey* said that it would be more useful to raise additional police in the form of riot squads or a mobile reserve than a military force. *Mr. Eastwood* explained the arrangements for the [security?] of the territory. The question was doubtlessly that this might raise difficulties with the Nigerian Government to whom we had something of a moral commitment not to expand the police forces in the Southern Cameroons in such a way as would make difficulties for them later if the territory joined Nigeria. *Mr. Sankey* suggested that this difficulty could be overcome by making plans and preparations now for the raising of new police units of a paramilitary character if the plebiscite resulted in a majority for joining Cameroun. No new recruits need be enlisted until after the plebiscite and if there were a majority for Nigeria then the whole plan could be dropped.

It was agreed that this idea should be pursued further. *Mr. Eastwood* enquired about the French intentions for their troops in the Cameroun Republic and *Mr. Faber* said they would probably be withdrawn gradually as they could be replaced by local forces. He saw no danger of an early large-scale withdrawal of French troops. *Mr. Ryrie* suggested that in addition to approaching the Cameroun Government we might ask the French to try and influence M. Ahidjo to agree to take over the responsibility in the Southern Cameroons immediately if the people voted for this. *Mr. Ross* agreed and said that the disadvantages of an unstable independent Southern Cameroons would be clear to the French. They might also be prepared to tell M. Ahidjo that his plan for delaying unification seemed unlikely to secure acceptance in the United Nations.

Observation

Here we find a coterie of low-level officials plotting how the British Government was to run away and abandon the Southern Cameroons (over which Britain had on its own volition accepted a 'sacred trust of civilisation'), as if the territory was on fire, and also how best to induce another state to take over the territory as successor colonialist!

From: John Hobson, OBE, QC, M.P.
House of Commons

5 August, 1960

Dear Macleod,

I am writing to you about the position in the Southern Cameroons. Has not the time come in view of the very changed circumstances in Africa and in particular in the Congo to reconsider the plebiscite which is to take place shortly? Those in the Southern Cameroons are not being given any option for our present trusteeship to be continued and cannot vote under any circumstances for the maintenance of their status quo. Owing to history and long standing prejudices, the population there will never vote for union with Nigeria, as I expect you know. The French Cameroons have gone very communistic and that is the only alternative choice in the plebiscite.

It has been represented to me very strongly that our country is abandoning all that it has done in the Territory since we took over from the Germans; and are not being worthy of our tradition of looking after the real interests of people for whom we are responsible.

As I expect you know, the idea of commercial firms from this country expanding in the area has been long abandoned. All they are now trying to do is save all they can from the wreck before the plebiscite comes. The Cameroons are capable of very considerable prosperity and development if only reasonable stability for the future is assured.

Much of what I have said above is based up information I have received from Richard Fleming who has just been on an extended tour of that country and of Nigeria. He is a Director of Barclays D.C.O. and of the Commonwealth Development Syndicate. He has made a long report to his Bank but is unwilling to report to you unless you would like to send for him and ask for his views.

I know you have very much else on your plate and have already carefully considered the problem of the Southern Cameroons. I hope, however, these views will be of help to you and may lead to the re-opening of the question at U.N.O. I am sending a copy of this letter to the Foreign Secretary.

My heartiest congratulations at your success at the Nyasaland Conference.

Yours sincerely

(signed) John Hobson

The Rt. Hon. Iain Macleod,
Secretary of State for the Colonies,
Colonial Office,
Church House,
Gt. Smith Street,
LONDON S.W.1.

Observation

This letter, like a number of others from various British personalities, clearly attests to the fact that unlike the British Government, the British people were on the side of the people of the Southern Cameroons and

wanted to see an independent Southern Cameroons. The British business community knew for a fact that the territory was economically very viable, unlike the jaundice non-viability view peddled by the British Government.

INDEPENDENCE

BUEA, SOUTHERN CAMEROONS, AUG. 9, REUTER

Britain is to be asked to name next October 1 as Independence Day for the Southern Cameroons, Prince Emanuel Epie the Cameroons Commons Party Secretary, said here today. In an official Party statement, Prince Emanuel said a resolution calling for an independent Southern Cameroons State within the British Commonwealth, was approved at a party convention in Mamfe. According to the statement, the Cameroons Commons party wants a sovereign state separate from an independent Nigeria, and opposes reunification of the British Cameroons and the Cameroun Republic.

A three-man delegation will be sent to the United Nations to demand that a question asking the people of the Southern Cameroons whether they want an independent sovereign state within the British Commonwealth be included in the questionnaire for next year's plebiscite on the territory's political future.

On October 1, Nigeria attains independence and on that day the Southern Cameroons secedes from the newly-independent state. Customs posts will go up for the first time on the frontiers, Sir Sidney Phillipson, financial and constitutional adviser to the Southern Cameroons Government, said here today. The question of whether inter-state travellers will need to carry passports is being looked into by the Government.
More DG (EO) ... 1722

Independence 2 Buea

In Victoria a student party convention approved a resolution "condemning the United Kingdom and British expatriate officers, serving in the Southern Cameroons, for their endeavours to frustrate the burning desire of the people of the Cameroons towards reunification of the British Cameroons and the Cameroun Republic." A statement following the four-day meeting also said the convention had decided to "call on the United Nations

Organisation to stop immediately British army units, from being posted to the Cameroons” and asked Britain to help the Cameroons to establish its own army.

Reuter DG (EO) 1723

Observation

This Reuter press dispatch bears the following handwritten number: ‘16/440/03. H342’.

Supplement to Southern Cameroons Gazette No. 47, Vol. 6, 3rd October, 1960 – Part B
S.C.L.N. 55 of 1960

SOUTHERN CAMEROONS

COMMISSION APPOINTING JOHN OSBALDISTON FIELD, ESQUIRE, C.M.G., TO BE COMMISSIONER OF THE SOUTHERN CAMEROONS

COMMISSION passed under the Royal Sign Manual and Signet appointing JOHN OSBALDISTON FIELD, ESQUIRE, C.M.G., to be Commissioner of the Southern Cameroons.

Dated 22nd September, 1960.

ELIZABETH R.

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith! To Our Trusty and Well-beloved John Osbaldiston Field, Esquire, Companion of Our Most Distinguished Order of Saint Michael and Saint George, Greeting!

We do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said John Osbaldiston Field, to be, with effect from the first day of October, 1960, Our Commissioner in and over the Southern Cameroons, during Our pleasure, with all the powers, rights, privileges and advantages to the said office belonging or appertaining.

II. And We do hereby command all and singular Our Officers and loving subjects in the Southern Cameroons, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

III. And We do hereby direct that this Our Commission shall determine upon signification to that effect being given by Us through one of Our Principal Secretaries of State.

Given at Our Court at Saint James's this twenty-second day of September, 1960, in the Ninth year of Our Reign.

By Her Majesty's Command,
Iain MACLEOD

Observation

Before this appointment J.O. Field was *Commissioner of the Cameroons*, i.e. Commissioner of both the Southern and Northern Cameroons. From 1st October 1960 his commissionership related only to the Southern Cameroons. The Northern Cameroons had an Administrator. It is also clear from this arrangement that the Southern and the Northern Cameroons were seen and treated as separate units of self-determination.

SECRET AND PERSONAL
SOUTHERN CAMEROONS
DESPATCH NO: 2 PERSONAL

DATE: 29TH AUGUST, 1960

SECRET AND PERSONAL

Sir,

I have the honour to refer to your telegram Personal 6 of the 6th August in which I was instructed to convey to Mr. Foncha the views of Her Majesty's Government on the implications of the forthcoming plebiscite. On receipt of this telegram I sent for Mr. Foncha and Mr. Muna (other Ministers of weight not being immediately available) and handed them the attached letter, the purport of which I fully explained.

2. The message was received without undue surprise, possibly because it repeated in almost identical terms what I, myself have been prophesying to my Ministers for the last six months. I did, however, have the weight of Her Majesty's Government authority behind it and this has forced them to face their problems more squarely. But it did nothing, I fear, to disillusion them about a period of "betrothal".

3. On the 9th of August a Southern Cameroons delegation consisting of Mr. Jua (Minister of Social Services), Mr. Kemcha (Minister of Natural Resources) and Mr. Effiom (Minister of Works) went to Yaounde to resume the discussions that had been started during M. Ahidjo's visit to Buea in July. Mr. Foncha had intended to go, too, but the Cameroun Government clearly did not want him and found excuses to put him off. On their return, the Ministers reported to me that agreement had been reached on all the proposals submitted by the Southern Cameroons delegation with the exception of those relating to official languages and constitutional safeguards, which there had not been time to discuss. (These proposals were enclosed with my demi-official Secret and Personal letter No. CC.7 of the 8th of August to Sir James Robertson, a copy of which was sent to Mr. Eastwood). It was also agreed that a body of experts should be set up to advise on a monetary system that should be linked to neither the franc nor the sterling and that another body of experts should be set up examine and report on various economic problems. Judging from some notes of these discussions which I was able to glance at, I doubt whether the two sides were really *ad idem* on what they purported to agree upon or, indeed, whether they had any real understanding of the implications of what they were discussing. And I gather that so far as the Republic's representatives were concerned, the conclusions were regarded as merely tentative and subject to acceptance by M. Ahidjo. Mr. Foncha has since made two attempts to go to Yaounde to discuss these matters further with the President but has on each occasion been told it would be inconvenient, and has been given no indication as to when it will be convenient.

4. My Ministers are under pressure from our side to come to some arrangement with M. Ahidjo whereby the Southern Cameroons would become a part of the Cameroun Republic within a matter of months and at the same time they see no prospect of M. Ahidjo accepting anything more than a purely nominal association between the two countries for some years to come. They now tell me that during his visit, M. Ahidjo told them categorically that not only would he be unable to provide for the internal security of the Southern Cameroons, but that he had not the resources with which to replace [immediately?] the services at present

provided by the [Nigerian] Federal Government, that re-unification could not take place until the Southern Cameroons had built up its own full complement of governmental services and that in the meantime all that could be contemplated was a sort of Guinea-Ghana relationship between the two countries.

5. I think my Ministers themselves would be prepared to accept some quicker and closer form of association with the Republic than M. Ahidjo is apparently prepared to offer, but, although they are disinclined to admit it, they know that were they to do so they would have difficulty in carrying the people with them.

6. It is probably true that most people in the Southern Cameroons have an emotional attraction towards re-unification with their brethren in the Republic. But that is not to say they want to become part of the Republic in the immediate future, or indeed that they want to be committed to it at all. They do not want to be administered by the Republic, they do not want to have anything to do with a French trained army or police (which they fear), they do not want a French system of law, they do not want the French language, they do not want to risk being pushed around by republican officials and they do not want policy dictated to them by Republican politicians. Least of all, do they want the British connection to be completely severed or to be cut off from British help. Common sense suggests that if this is how they feel, their remedy is to vote to join Nigeria but they fear being pushed into Nigeria as much as they fear being pushed into the Republic. By and large the people of this school of thought support Mr. Foncha because of his policy of separation from Nigeria but in order to keep their support he has to soft-pedal "re-unification". The pace M. Ahidjo would set is about as fast as my Minister think it politically safe to go.

7. Believing that there is no prospect of any effective form of immediate "re-unification" with the Republic and very doubtful, to say the least, whether the people are ready to accept it if there were, my Ministers are now, and for the first time, showing real anxiety over what is to happen immediately after the plebiscite. They know they have not got the resources in money or men to enable the Southern Cameroons to exist by itself unaided. They still hope that Her Majesty's Government can be persuaded to support them, but if that fails they are determined to look elsewhere. Remembering that Mr. Hammarskjöld told them when he visited here in January about his ideas for aiding under-developed countries and having seen what is being done in the Congo, they are now seriously talking of an appeal to the United Nations.

8. One key to this problem is to get out of M. Ahidjo a clear statement of his views and intentions. I doubt whether this will emerge from the present series of talks between my Ministers and the representatives of the Republic since both appear to be proceeding on the footing that what they are trying to settle is their ultimate object and not their immediate future. I am aware that Her Majesty's Ambassador at Yaounde has been instructed to apprise M. Ahidjo of Her Majesty's Government's views, but it is essential that M. Ahidjo's own stand should now be made known. If, contrary to what my Ministers aver, he is able and willing to take the Southern Cameroons into the Republic immediately after the plebiscite and to provide from the Republic's resources those services which will no longer be forthcoming from Nigeria, then my Ministers' case for the necessity for a separate existence falls to the ground. In that event, the official conference, at which Her Majesty's Government is to be represented, should be called as quickly as possible and proposals on the basis of M. Ahidjo's offer worked out. The results, politically, may be unpalatable to Mr. Foncha but he will have been forced into the open and the people will at least know what they are being asked to vote for. If, on the other hand, M. Ahidjo is unable or unwilling to commit himself to anything more for the next few years than the amorphous Guinea-Ghana sort of relationship he is said to want, then "independence by joining the Republic of Cameroons" ceases to have any practical content, and if the vote goes that way, some other means of carrying on the government of the Southern Cameroons after the plebiscite would have to be found.

9. It would be gravely misjudging the present temper of the country to assume that if "re-unification" were exposed as a thoroughly bad bargain the people would vote for rejoining Nigeria. I have mentioned above that Mr. Foncha enjoys a large measure of support from those who wish to be separated from Nigeria but who do not necessarily wish to be committed to joining the Republic. Even if this large section of the people were to be enlightened on the issue of "re-unification" and Mr. Foncha were in consequence to lose their support, it does not follow that those who are in favour of rejoining Nigeria would gain it. The Opposition, who should be strenuously contesting Mr. Foncha's position, are utterly ineffectual. The main plank in their platform – continued association with Nigeria – appeals to very few and they have, from the nature of the situation, no alternative to offer. Dr. Endeley seems to be a spent force and there is no love lost between him and Mr. Mbile, who are both working against each other. The party is in danger of falling to pieces. Apart from the Moslem Congress (a new party formed from among the tiny minority of Moslems in the Grassfields) who want to remain with Nigeria, the only noticeable voices raised against Mr. Foncha are those of the Kamerun United Party

(led by P.M. Kale) and the Cameroons Commoners Congress. Both these parties want separation from Nigeria and independence within the Commonwealth. They have gained some support in Victoria and Mamfe Divisions and probably speak more nearly for the true wishes of the people than any other party, but they have no adequate organization, no representation in the House of Assembly, and neither Mr. Kale nor Mr. Nyenti has that fire in him which is necessary to lead a successful crusade. But it is to these two parties rather than to the pro-Nigerian parties that those who may become disillusioned with Mr. Foncha are likely to gravitate. How these people will vote can be no more than conjecture at this stage, but the indications are that id “re-unification” meant no more than a purely nominal association they would vote for joining the Republic but that if they were alive to the fact that it meant becoming part of the Republic they would not vote at all. If an attempt were made to push them either way on the strength of what was clearly a minority vote, the result would, I believe, be widespread disorder and violence.

10. I have set out the position as I see it at some length because it appears to me that the two questions posed in the plebiscite are coming to have less and less relevance to the situation as it is developing in the country. As things now are, I doubt whether there is any chance of the country voting to join Nigeria and I do not believe that anything that might be done between now and the plebiscite to influence the vote in that direction would have any effect. I am equally doubtful whether, should the vote go in favour of joining the Republic, it would be possible to implement that decision, at any rate in the sense clearly contemplated in the United Nations General Assembly’s Resolution. It would be wise to accept now the distinct possibility that it will not be possible to implement either of the plebiscite alternatives and that, *faute de mieux*, the Southern Cameroons will have to have a period of existence of its own; and to lay plans now to meet that eventuality, should it arise, rather than to wait until the situation is thrust upon us without adequate preparations to meet it.

11. I have sent copies of this despatch to the High Commissioner for the Southern Cameroons, and to Her Majesty’s Ambassador at Yaounde.

I have the honour to be,

Sir,

Your obedient servant,

Commissioner of the Cameroons

THE RIGHT HONOURABLE IAIN MACLEOD, M.P.,
THE COLONIAL OFFICE,
THE CHURCH HOUSE,
GREAT SMITH STREET,
LONDON, S.W.1.

SECRET AND PERSONAL

Observation

This was a very accurate assessment by Mr. J.O. Field of the wishes of the people and also of the political situation on the ground. Any listening government with empathy for the people it governs would have given ear. But the British Government was obdurate. It was determined, come what may, to transfer, and without any legal basis for so doing, the people and territory of the Southern Cameroons to one or other of two apparently reluctant or eager successor colonialists.

7th October, 1960

SECRET AND PERSONAL

My Dear John,

I have only been two days in the Southern Cameroons but we leave this afternoon for Bamenda and shall not be able to communicate easily with the outside world after today, so I write at once.

You will no doubt have seen my telegram to Lord Perth. As I said in that, the situation has changed quite radically. Both Foncha and Endeley now seem to be thoroughly frightened of what will happen if the vote in the plebiscite is in favour of the Republic. They feel that there is all too much prospect of their finding themselves thrown into a Communist-controlled country. There seems quite a possibility now of the parties coming together and presenting us with a unanimous demand that we should use our influence with the United Nations to secure complete independence for them. The parties are having a conference at Mamfe, starting on the 18th October, and the position will be clearer after that.

If all the political leaders unanimously demanded complete independence that, it seems to me, would be a new situation of which it would be very difficult for the United Nations not to take cognizance. We should, of course have to give very careful thought as to our own line. I am, at the moment, disposed to think that we should be wise to support the demand.

The Southern Cameroons would, of course, be a small and weak state, b with a population of at least 800,000, and perhaps nearly 1,000,000, it would be no smaller and no weaker than some of the other states in Africa. Peterson, the Financial Secretary, thinks that it would just be able to balance its Recurrent Budget – the anticipated deficit this year being caused by special expenditure on the plebiscite, etc. It would require outside assistance for the much-needed capital development, and for this purpose could absorb perhaps up to £2,000,000 even, though no doubt it could get by with considerable less. In these days when there is so much talk of international assistance to under-developed countries that does not seem an impossibly large figure. The country would, of course, need “fathering” by someone: the sensible thing would be for the U.K. administrators and technicians to remain, and that is what the people would like. Whether the United Nations would agree is another matter.

If the plebiscite continues as planned with the question at present laid down, Field advises that very large numbers will either not vote at all or will spoil their papers. The people voting for Nigeria or the Republic may quite likely altogether not amount to half the total possible number of voters. The question would then be whether this could be regarded as providing the basis for a final decision by the United Nations. Protitch, to whom I spoke about this in Lagos (where he was representing Hammerschold(sic) at the celebrations) did not know the answer to this. Field advises that if the United Nations did on such a basis decide that the country should be immediately united with the Republic, it is more than likely that the people of the Southern Cameroons might forcibly refuse to be united. It is equally possible that Ahidjo might refuse to have them. The predominant sentiment in the country is, he says, undoubtedly in favour of separation from Nigeria, but almost equally undoubtedly, against immediate unification with the Republic.

All this is serious and very [Group of words undecipherable] to see the light. The present intention is that ten people should come home for talks with the Secretary of State, which they hope can be in the first week of November. They should not, I suggest, be later if we have got thereafter to take action in New York. I do not think we had expected so large a

party to come to London but apparently they cannot well manage with fewer and I would advise that we make no difficulty on this score. Field would want to come with them.

So much for the general situation: you may like to have some notes on some other points.

(1) Foncha tells me that Ahidjo told him that if the Southern Cameroons was united with the Republic in a Federation his (Ahidjo's) idea was that the Southern Cameroons should be one unit and whole of the existing Republic should be another unit. I had imagined that the existing Republic would be split into at least two, if not more, units. Mbida would like this but not Ahidjo. If the Northern Cameroons was also to be united with the Republic that might either form a unit on its own or be united with the Southern Cameroons unit.

(2) Foncha and two or three of his Ministers are off to see Ahidjo at Yaounde again on Monday with the hope of getting greater definition of the terms of reunion. Foncha tells me that he hopes they will be based on the memorandum which his Ministers took to Yaounde in early August. He hopes to get complete agreement on the terms and that the agreed terms will be published. John Field thinks that in fact they are most unlikely to get a firm agreement on detailed terms and that even if they did Ahidjo is most unlikely to agree to commit himself publicly. This attempt to get definition of the terms of reunion is from our point of view very laudable though a little inconsistent with the idea which, as I have said, now seems to be gaining ground that there should be no plebiscite at all!

(3) The Security people picked up the other day five Communists who, it is alleged, were trained in Peking in methods of sabotage and who were on their way into the Republic. Full particulars of this have not yet come in but it is obviously of very considerable importance. The papers have just come down from up country and are being translated and Field will be writing about this as soon as possible. There now seems to be a general agreement that the Chinese are exercising quite as much influence as the Russians in the Republic – through Conakry and Moumié.

(4) The general staff position here now seems to be pretty satisfactory. The 20 per cent inducement bonus served its purpose to the extent of encouraging at least a few people to remain and greatly improving the morale of everyone. The Colonial Office and the Crown Agents have been most successful in recruiting staff to fill vacancies. There appear to

be no serious grouches on this head at the moment. They are still waiting for five engineers to come out and if they do not come out soon a certain number of capital works will have to be left undone.

(5) Robinson, the Commanding Officer of the Battalion of the Border Regiment tells me that at present his men are enjoying themselves very much. He is obviously a very good man and ingenious in finding ways of keeping his troops happy. The right time is, of course, still to come once the novelty [dies off and?] their wives at home start complaining.

(6) The plebiscite administrative officer [the rest of this paragraph lost]

(7) Similarly, the United Nations Organization seems to be starting off all right. At present there is only Serge Michel, heir chief Administrative Officer, here and three or four observers up country, but the organization seems to be settling down. Most of the other observers arrive next week and Abdoh the week after. Abdoh was in Lagos for the celebrations and has now gone off to see his family in Tehran. He was most anxious that he should be regarded as having represented Tehran at the celebrations and I think they may, in fact, have been able to fix this. My hunch is that the matter affected the allowances he was able to obtain and was therefore of importance to him.

(8) The United Nations have made an arrangement with Elders & Fyffes for an Apache to fly up weekly from Tiko via Mamfe and Bamenda to Mubi. This should also enable Field and Wyn Harris to keep in touch. Arrangements for wireless communications both between the North and the South and within the South seem to be coming along satisfactorily.

(9) On the 1st October customs posts were set up on the Nigeria-Southern Cameroons land frontier. The Nigerian Customs Authorities have been most helpful. They are, of course, acting for the Southern Cameroons on an agency basis in the collection of customs generally. This means that on the land frontier the one post is collecting duties for Nigeria on goods entering Nigeria and duties for the Southern Cameroons on duties entering the Southern Cameroons. It remains to be seen how effective the organization is in collecting revenue. A good deal would be able to come through in Nigerian ports in bond but broken parcels (e.g. stuff which has been through Onitsha market) may well have to pay double duty. A good deal of stuff which I the past has been imported through Nigerian ports may now come direct to Southern Cameroons ports. From the Southern Cameroons point of view that will be all to the good.

(10) John Field has now had no leave for just over a year and feels he ought to have leave within the measurable future. The best time seems to him to be between the end of November and early January and he is thinking of coming home then. I have told him that as Head of the Administration he would have to seek the Secretary of State's approval. There are still too many uncertainties in the situation for it to be possible for him to do so yet. If he did come on leave Malcolm Milne would be able to administer the country very efficiently in his place. Sorry to have inflicted such a very long letter on you.

C. G. Eastwood

Observation

This letter, from Mr. Christopher Eastwood (Colonial Office) who was then visiting the Southern Cameroons, was addressed to Sir John Martin, also of the Colonial Office. Lord Perth, to whom the letter makes mention, was the Minister of State at the Colonial Office. He and Sir Andrew Cohen were the real slavers who manipulated the British Government and the UN into carrying out the biggest slave and territorial deal in recent history.

Sent 10th October, 1960 20.00 hrs

SECRET
BRIEF NO. 121

For Cohen

Following is repetition of telegram Personal No. 4 from Commissioner, Cameroons (whom Eastwood was visiting)

You asked me to discuss with Field the possibility of requiring the nominated woman member to resign so that Foncha would no longer have a majority.

2. I find the situation here has changed. There now seems a distinct possibility that Government and Opposition may combine together to urge H.M.G. to use their influence with the United Nations to cut out plebiscite, and secure immediate independence for Southern Cameroons

on its own, leaving the question of union with either of their neighbours over for settlement later. Field will be writing despatch explaining background to this. Reasons are:- (1) Realisation by Endeley and Co. that vote is most unlikely to be for Nigeria; (2) Doubts, by all parties, as to capacity of Republic to replace Nigerian Federal services and provide financial and economic support; (3) Instability of Ahidjo's Government and fear that Moumié may get into power.

3. Conference of political parties is to be held about 18th October, preparatory to London discussions, and position should be clear thereafter. In the meantime it would obviously be a mistake to bring matters to a head with Foncha by forcing resignation of this lady. In any case does not feel that this matter would have been a practical course. Once he has nominated a member Commissioner cannot exercise any control over the way that person exercises vote, and he, or she, is at liberty to follow the dictates of own conscience. This lady has not in fact exercised vote in any way which would give him excuse to call for her resignation.

4. Whether or not developments in paragraph 2 are an attempt to persuade the United Nations to change questions in plebiscite, or drop it altogether, (and Field and I fully see immense difficulties of securing either), they may at least open the way to National government here. We feel strongly that we should hold our hand for the time being, and see what happens in the next few weeks leading up to the London discussions. Field will be telegraphing suggesting that these be held first week of November. They should not be held later in case a fresh approach has to be made to the United Nations.

5. It seems to be the general opinion that, even if Foncha's government ceased to be in power, there would be very little chance of plebiscite vote being for Nigeria.

Grateful for your comments on paragraph 2 in particular.

(Copies sent to Foreign Office for repetition to New York)

Copies sent to:-

Commonwealth Relations Office – Mr. B.J. Greenhill
Foreign Office - Mr. E.B. Boothby
Foreign Office - Mr. Tahourdin

Observation

This telegram was written by Mr. Christopher Eastwood who was visiting the Southern Cameroons at the time. It was dispatched by J.O. Field to Sir Andrew Cohen, the U.K. Representative at the U.N. Cohen had made a request to Eastwood that while in the Southern Cameroons he (Eastwood) should discuss with Commissioner J.O. Field the possibility of overthrowing Foncha's Government. The unconstitutional means suggested by Cohen to bring down Foncha's Government was that J.O. Field should summon the nominated woman member of the Southern Cameroons House of Assembly (Mrs Josepha Mua) and force her to resign. Since the Southern Cameroons House of Assembly comprised 13 Members on the Government side and 13 Members on the Opposition side, forcing one Member on the Government side to resign would at once bring down the Government. The Opposition which was in favour of the Southern Cameroons joining Nigeria would then be invited by the Commissioner to form the next Government and, according to Cohen's somewhat naïve calculations, that move would secure a pro-Nigerian vote at the plebiscite. This episode exposed Cohen for the plotter and schemer that he was, a man ready to resort to foul means to achieve his foul aims.

FROM NEW YORK (U.K. MISSION TO UNITED NATIONS)

Cypher (O.T.P.)

D. 11th October, 1960

R. 12th October, 1960 12.00 hrs. (via Foreign Office.

SECRET

BRIEF NO. 140

Addressed to S. of S.

Repeated for information to Commissioner, Southern Cameroons, No. 6 (Secret and Personal).

Following from Cohen

Telegram Personal N. 4 from Commissioner, Buea.

I understand from last paragraph that you want my comments.

2. First of all I take it that objections hitherto seen to establishment of a separate Southern Cameroons State remain as strong as ever. Its intrinsic weakness would make it constant source of possible friction between Nigeria and Cameroun, with possibility of intervention from Ghana, Guinea and other African States. If, as Eastwood says, all parties doubt capacity of Republic to replace Nigerian services, etc., there must presumably be expectation that U.K. would do this, even after independence. Quite apart from financial problems involved in this, it might involve us in serious political difficulties with other African States, possibly including Nigeria. I am therefore assuming in what follows that our policy remains strongly against such a solution.

3. If Southern Cameroons political parties did combine to take action envisaged in paragraph 2 of telegram under reference, this would place us in a very embarrassing situation. With support of moderate Afro-Asians and others, we have always argued that separate independence would produce an entirely unviable State. We have supported a unanimous resolution prescribing plebiscite which involves choice between Nigeria and Cameroun Republic. This plebiscite is now under way. If both political parties ask for this plan (which their leaders agreed to last year) to be abandoned at this late stage, obviously a very difficult situation will be created in United Nations but I do not think that we should assume that, given agreement of parties, such a solution would necessarily fail to secure agreement of United Nations. Much would depend on views of African members, which might of course not all be the same.

4. If possibility described in paragraph 2 of telegram under reference does materialize, I think it most important, given our past statements here and for the reasons given in paragraph 2, that U.K. Government should not (repeat not) be placed in position of advocating this change of plan in United Nations; if, as I assume, it is in our interests to stick to existing plan for plebiscite, we should do nothing to encourage or support any departure from this.

5. It seems to me that there is every advantage in delay in this matter. The plebiscite has already started, and the further advanced it is, the more difficult it will be for the political leaders to propose changes in the questions or cancellation, and, if they do, for the United Nations to agree. Paragraph 4 of telegram under reference refers to suggestion which Field will make that London discussions be held early in November in order to leave time before matter is discussed in United Nations. From U.K. point of view there seems to me no need for haste; if London talks are delayed

until there is in fact no time left to raise the matter at current session of General Assembly, this would put U.K. Government in stronger position for telling Cameroonians that it is impossible to re-open matter of plebiscite.

6. Although this development would make it more difficult, I am assuming that our overriding object must still be to ensure that plebiscite is carried out according to present plans. If, as I understand from paragraph 5 of telegram under reference, plebiscite would be likely to result in favour of union with Cameroun, this definite decision would in itself reduce possibilities of international friction afterwards. However difficult subsequent transitional period may be, it would seem that the dangers and difficulties involved would be less serious than if Southern Cameroons were to be cast adrift as an independent state, with its future still an open question.

(Repeated to Commissioner, Southern Cameroons, by airmail)

Observation

Mr. Cohen studiously avoided any comment on his proposed plan to bring down Foncha's Government by unconstitutional means.

MINUTE BY THE MINISTER OF STATE

Subject: Southern Cameroons

Date: 12th October, 1960.

Addressed to: Sir John Martin

Copies sent to:

We discussed Mr. Eastwood's telegram Personal No. 4 and agreed that the all-important thing is to take Nigeria along with us in any action. To this end you will be consulting with the C.R.O. with for example the idea of repeating the telegram to Nigeria.

What would worry me is if a sequel to the Southern Cameroons' try for independence was that the Northern Cameroons went the same way. That would really I think upset our relationship with Nigeria as a whole and for

a long time to come, and that is something which we must at all cost avoid. The Southern Cameroons and its inhabitants are undoubtedly expendable in relation to this.

[Initialled]: P

Observation

This 'minute' was written and initialled by Lord Perth, the Minister of State at the Colonial Office. It was addressed to Sir John Martin of the same Office who on receiving it made the following handwritten comment on the same, "I have spoken to Mr. Emanuel about consulting CRO." Mr. Emanuel appears to have been in charge of the African desk at the Colonial Office. 'CRO' was the Commonwealth Relations Office. The highest level the Southern Cameroons Questions ever received the attention of the British Government was that of Minister of State at the Colonial Office. The holder of that position at the time was Lord Perth. The fate and future of an entire people and territory lay in his hands alone. Adopting the attitude of a god Lord Perth pronounced the people and territory of the Southern Cameroons expendable!

LETTER FROM JO FIELD, BUEA
TO THE COLONIAL SECRETARY, LONDON.

[Page 1, consisting of the first three paragraphs of this document, a letter from J.O. Field to the Colonial Secretary, is lost. The letter appears to have been written on 12th October 1960.]

4. I attribute this shift of outlook by the Ministers to the following factors

—

(a) They believe, on the strength of what (according to them) M. Ahidjo told them, and their own observation, that the Cameroun Republic has not yet got the resources, in either men or money, to support them if unification takes place.

(b) They are beginning to doubt whether M. Ahidjo really wants reunification. Virtually all the initiative in promoting discussions about reunification has come from this side, (albeit as a result of our prompting) and has not been matched by a similar effort on the part of Ahidjo. They

believe, I strongly suspect, that M. Ahidjo does not really want the Southern Cameroons because he does not want to add another three quarters of a million people to his Southern opposition.

(c) They are uncertain about the ability of M. Ahidjo's government and definitely disturbed at the possibility of I falling into the hands of Dr. Moumie and the Communists. My Ministers have their own sources of information, and are concerned at the strength of Moumie's support in the Republic and are frightened of a Communist coup. They have consistently said that if Moumie came to power there could be no question of reunification.

(d) They are aware that although the general feeling of the country is with them on the question of separation from Nigeria it is equally against them on the question of reunifying with the Republic, at any rate in the foreseeable future.

5. It is relevant to recall that Mr. Foncha and his colleagues have never favoured immediate reunification and have always wanted a period of separate existence. It was Dr. Endeley who insisted that the second choice in the plebiscite should be for joining the Republic and Mr. Foncha only accepted it with reluctance when he was out-manoeuvred and subjected to heavy pressure by the Afro-Asian bloc at the United Nations.

6. There is a strong element in the Opposition party that is beginning to have second thoughts and which seems very ready to endeavour to reach agreement with the Government Party for a joint demand for separate independence. This is led by Mr. Mbile and Mr. Motomby-Woleta who represent the K.P.P. section of the C.P.N.C. [Group of words lost] words of support among the K.N.C. [group of words lost] because of the following factors –

- (a) they feel that there is now very little chance of the vote in the plebiscite going in favour of Nigeria;
- (b) they miscalculated the effect of insisting upon joining the Republic as the second plebiscite choice. They thought it would frighten the voters into voting for joining Nigeria; instead, they are likely to get a vote in favour of joining the Republic which they do not want. The "third question" is the best way out;
- (c) they, too, are very disturbed at the prospect of the Republic going Communist.

7. The uncertain factor is Dr. Endeley who has so far shown no disposition to compromise with his political opponents. He has never got over his defeat in the last general election and is too hurt and resentful to accept willingly any accommodation that would leave Mr. Foncha at the head of the Territory's affairs. It is impossible to prophesy, if it came to a show down within the party over the issue, whether Dr. Endeley would climb down, or whether those who favour coming to an agreement with the Government party would jettison him. It is possible Dr. Endeley would go alone with them if a formula were found to save his face.

8. Another important factor is the attitude of the "Cameroons Society". This is a body of intellectuals who have taken university degrees abroad and who meet together informally from time to time to discuss the problems of the country. There are not more than eight or nine of them and as they all hold senior positions in the Government Service or the Cameroons Development Corporation they take no overt part in politics. But they are very influential behind the scenes. Until recently they were enthusiastic reunificationists and were probably one of the main forces impelling Mr. Foncha in this direction. They, too, have now swung into the middle and are exerting their influence in favour of separate independence.

9. On the 10th of October, Mr. Foncha, with three of his Ministerial colleagues, went to Yaounde to resume his discussions with M. Ahidjo. They expect to return on the 14th. Before he left the Premier told me that he hoped to persuade M. Ahidjo to accept his constitutional proposal for a reunified constitution and also to sign a document stating categorically that he cannot at present provide for the internal security and defence of the Southern Cameroons or any of the other expenses that will be necessary when the Nigerian Federal agency services are withdrawn. The Premier told me that he wishes to arm himself with this document for the [group of words lost] reunification he can hold them up as evidence that it is still his long term objective. Whether the Premier will succeed in his endeavours remains to be seen. It may well be that he will obtain M. Ahidjo's acceptance of his constitutional proposals in very general terms but such an acceptance would be meaningless unless tied to a commitment as to when the proposals would be implemented. As to a categorical statement that M. Ahidjo cannot provide in any way for the needs of the Southern Cameroons, I doubt if it would be politically possible for M. Ahidjo to put his name to such a document, whatever he may say in private. It would amount to a virtual public repudiation of the policy of reunification, a policy he is compelled to subscribe to in order to keep his uneasy cabinet together.

10. After his return from Yaounde, Mr. Foncha proposes to call an all-party conference at Mamfe on the 19th of October with a view to securing a united front for the forthcoming talks in London, and with the current flowing as strongly as it is at present in the direction of separate independence, he may very well succeed. It is, of course, possible that Mr. Foncha will return from Yaounde with his views changed once again – at least for the time being, for he has a fatal habit of adjusting his outlook to the surroundings in which he finds himself – and it may be that those attending the Mamfe Conference would fall foul of each other over some petty matter of pride or prejudice, or founder on the rock of Dr. Endeley's intransigence, and break up without deciding anything at all. But all parties in the country feel that they have put themselves on the horn of a dilemma and there is a strong disposition to find a compromise solution that will get them off. It is very much on the cards that the Southern Cameroons representatives will arrive in London with a united demand that the plebiscite be called off, that the country should be granted independence by itself, and that the United Kingdom Government should provide the financial and technical assistance necessary to make this possible or, in the alternative, support a request that it be provided by the United Nations. The leading politicians are aware of the fact that nothing can be done without the agreement of the United Nations and if they come to agreement on these lines among themselves, they will not be slow to carry their demands to New York.

11. I have sent copies of this despatch to Her Majesty's Ambassador at Yaounde, to Sir Andrew Cohen in New York, to the United Kingdom High Commissioner in Lagos, and to the Administrator, Mubi.

I have the honour to be,

Sir,

Your obedient servant

[Signed] J.O. Field

OUTLINE PROPOSALS FOR A DRAFT CONSTITUTION FOR A FEDERAL UNITED KAMERUN REPUBLIC

At the third meeting of the Representatives of the Government of the Republic of Cameroun and the Government Party in the Southern Cameroons to continue their discussions on a draft constitution for the Unification of the Republic of Cameroun and Northern and Southern British Cameroons the following declarations were made by Premier Foncha, President Ahidjo Head of the Cameroun Republic, and Mr. C. Assale, Prime Minister of Cameroun Republic:-

1. (a) That they intend to do everything possible (in their power) to implement the country-wide desire for unification to which they have dedicated themselves;
- (b) Reaffirmed that the territories shall be unified as a federal, sovereign State outside the British Commonwealth and the French Community.

And agreed on the following draft Constitution:-

2. The Federation shall compose of the Republic of Cameroun and the Southern Cameroons. The two parties hope that Northern British Cameroons will join the Federation whether as a separate State or as a unit with the Southern Cameroons.

3. The main features of the Constitution of the Federation of Kamerun States.

The Federation of Kamerun states shall be democratic, and freedom of worship, of speech, of the press, and movement shall be guaranteed in so far as these rights are exercised within the law of the Federation. The Federation shall have a common motto, national anthem and a national flag. All indigenous people in all the states shall have Cameroonian Citizenship.

4. Minimum Federal Subjects:

Citizenship

Civil rights

National defence

Foreign Affairs

Higher Education

Immigration and Emmigration (sic)

Federal budget

Posts and Telegraphs

The remaining subjects which are likely to fall within the power of the Federal Government will for the time being be legislated upon by the States.

5. The Legislation of the Federation: There shall be two legislative Houses for the Federation – The National Assembly and the Senate.

The Federal Authority: The Supreme Authority of the Federal State shall be composed of – the Federal Executive with the President who is also the Head of the Federation, and the National Assembly.

Constitutional Safe-Guards; Certain Federal Acts shall be enacted in such a way that the majority shall not impose on any state a measure which would be contrary to its interests.

In case of a conflict between a Federal law and a law of one state the Federal law shall supersede.

The state can legislate only on matters which do not fall within the Federal list.

A Federal Tribunal shall arbitrate on conflicts arising between the states.

Federal Judicial System: A Federal Court of Justice shall coordinate the two judicial systems and to create a Federal Supreme Court of Appeal.

States Organs: The governmental organs of the states as at present will have to continue until the federal organ is created.

SIGNED BY : A. Ahidjo)
President R.C) for and on behalf of the Government of the
C. Assale) Cameroun Republic
Prime Minister)

J.N. Foncha) for and on behalf of the Government of the
Premier) the Southern Cameroons

14th October, 1960

Through the Commissioner of the Cameroons, Boua,
The Colonial Secretary, London.

Sir,

The delegations, representing the governments of the Cameroun Republic and the Southern Cameroons, considered among other things, defence and economic and social development of the British Trust Territory of the Southern Cameroons during the post-plebiscite period, unanimously come to the conclusion that this letter outlining the needs of the territory be jointly addressed to the Administering Authority and through the Colonial Secretary to the United Nations.

It was felt that it was essentially necessary for the territory's government to have an indigenous military defence of its own and that since training facilities now exist in the territory, arrangements to train such a force should be undertaken immediately and the government is advised to seek external financial aid from the Administering Authority and the United Nations for this purpose.

The delegates also gave serious thought to the ex-federal services now run by the Government of the Federation of Nigeria for and on behalf of the Government of the Southern Cameroons as well as ways and means of accelerating the Cameroonisation of the territory's civil services.

They came unanimously to the conclusion that in order to maintain these services not only at their existing level but also to build them up as dictated by the balance of the territory's economies and that this will necessitate urgent speeding up of the Cameroonisation policy of the government, immediate external financial and technical assistance would be highly indispensable and accordingly they advise the territory's government to explore such avenues.

SIGNED BY: President A. Ahidjo) for and on behalf of the Government
of the Prime Minister C. Assale) Cameroun Republic.

Premier J.N. Foncha) for and on behalf of the Southern Cameroons
Government.

No. 31 Saving
October 17, 1960 R. October 21, 1960

PRIORITY

Addressed to Foreign Office telegram No. 31 Saving of October 17,
Repeated for information Saving to Lagos U.K.H.C.
Buea (Commissioner)
Mubi (Commissioner) Accra U.K.H.C.
UKMis New York Conakry
Dakar Brazzaville
Washington
Paris

Delegation of Southern Cameroons majority party led by Prime Minister Foncha held discussions with Government of Republic in Yaounde from October 10 to October 14.

2. Following is unofficial translation of French version of the joint communiqué.

Begins:

The Hon. J. N. Foncha, Prime Minister of the Southern Cameroons, His Excellency Ahmadou Ahidjo, President of the Cameroun Republic and M. Charles Assale, Prime Minister, head of the Camerounian Government declare

(1) Their wish to do all possible to bring about the task of national reunification assigned to them

(2) That united Cameroun will in no event belong to the French Community of the British Commonwealth

(3) That they intend to construct a federal state of which the institutional bases will be the following:-

The Federal Republic of United Cameroun will be democratic. It will have its own motto (*devise*), national anthem and flag. The nationals of the federating states shall have Camerounian nationality. The functions (*compétences*) of the federal state will as a minimum include in the first instance (*dans un premier temps*):-

the regime of civil liberties
nationality
foreign affairs
higher education
immigration and emigration
the federal budget
posts and telecommunications

A list of subjects due to become federal subjects at a later date (*dans un deuxième temps*) will be established in the Constitution.

The authorities of the federation will consist of :

A federal executive presided over by the President of the Federal Republic, head of the Federal State, a federal legislature consisting of a Legislative Assembly and a Federal Senate.

Certain federal laws will be adopted in such a way that neither state can have imposed on it by the majority measures which are contrary to its interests (system of second reading with qualified majority).

In non-federal matters the authorities of the federating states will possess sole competence.

Each of the federal states will be headed by a government and will have a legislative assembly.

A constitutional court with equal representation (*une Cour d' Arbitrage paritaire*) will regulate differences between the federating states.

A Federal Court of Justice will have as [its jurisdiction?] the unification of the two judicial systems and to act as the highest Court of Appeal (*Cour de Cassation*) of the Federal State.

Federal services will be organised to carry out the federal administration.

(4) The Federation will consist of the Cameroun Republic and the Southern Cameroons under British trusteeship. The two parties hope that the Northern Cameroons under British trusteeship will also enter this Federation, either as a separate state or as a part of the British Cameroons at present under British trusteeship.

(5) In case the Southern Cameroons and the Northern Cameroons decide in favour of reunification, the authorities responsible for United Cameroun will agree to definite measures for the submission of the Federal constitution to a referendum (*se concerteraient pour mettre définitivement au point les modalités d' une consultation des populations sur la Constitution fédérale*).

Joint Declaration

Considering that in application of the resolution of the 14th session of the United Nations, a plebiscite is to be organised in February, 1961 to allow the population of the Southern Cameroons under British trusteeship and that of the Northern Cameroons under British trusteeship to decide whether they wish to enter the Federation of Nigeria or unite with the Cameroun Republic.

Considering that if the result of this plebiscite is in favour of reunification, the application of reunification on a federal basis, taking account of the special conditions of each of the parties, cannot be automatic, but must be gradual.

Considering that the representatives of the Cameroun Republic and those of the government party of the Southern Cameroons strongly affirm the desire of their people to reunite in a single Nation.

Considering that the responsible political authorities have already met twice to examine the outline of the constitution for the two federating states.

They have, at the conclusion of their third meeting on the 10th, 11th, 12th and 13th of October, 1960, decided to adopt the outline of a constitution which they will bring into force if the result of the plebiscite should be favourable to them.

Ends

3. Comments will follow as soon as possible.

Observation

This telegram was from Mr. Johnston, UK Ambassador at Yaounde.

No. 105 D: .25 p.m. October 19, 1960
October 19, 1960 R: 5.35 p.m. October 20, 1960

PRIORITY
CONFIDENTIAL

Addressed to Foreign Office telegram No. 105 of October 19.

Repeated for information to:
United Kingdom High Commissioner Lagos
Commissioners at Buea and Mubi
UKMis. New York
And Saving to: Washington
Paris
Bonn
Dakar

-[Group under? my saving telegram No.] 31 by air mail: British Cameroons.

I have at last managed to have a long friendly though inconclusive discussion with the President. I said that I presume that he would agree with us that if the plebiscite went in favour of the Republic, trusteeship would be terminated and sovereignty transferred as soon as possible thereafter. However I also presumed that Nigeria would then no longer be willing to provide federal services on repayment basis. Even if expatriates could be persuaded to remain at their posts who would assume responsibility for them? Joint communiqué covered constitutional questions but gave no indication of what would happen immediately after transfer of sovereignty. [Groups omitted] period did he envisage before Cameroun Federation assumed its responsibilities. His replies were very evasive. He said these questions were primarily Foncha's responsibility and Foncha was going to London to discuss them, but he hoped that the United Kingdom would continue to give financial and technical aid to Southern Cameroons after transfer as France had done to the Republic.

2. He admitted that they had made no progress on the economic questions. I understand the Camerounian Government have asked the United States Government to provide an economic expert to report on this question and that the international Cooperation Agency in Paris have contracted for the services of a Dane named Andersen who is expected shortly.

3. I asked him if he would now be prepared to open official discussions with Her Majesty's Government as he had promised at Buea. He said not until the economic expert had reported and until Foncha had been to London, probably not before December. I reminded him that time was short.

4. Discussion then shifted to Northern Cameroons. He complained again of alleged pressure by Northern Regional Government which he said had eliminated chiefs and officials favourable to reunification. He said that he was "still awaiting" invitation to Mubi.

5. I have since received Commissioner Buea's telegram CC. 15 to Colonial Office which though only partly decipherable throws some light on the matter. I believe Foncha is using the evident difficulty of "reunification" to try to built up autonomous State under his control and is possibly going further in this direction than suits Ahidjo. Ahidjo was particularly evasive about internal security. On the one hand he admitted unification would [? Group omitted] the task of the Camerounian Army in dealing with terrorists but on the other hand argued unconvincingly in favour of Foncha's Militia programme which I told him was quite impracticable. When I complained mildly that he had kept me at a distance during his discussions with Foncha he blamed Foncha for this.

Foreign Office please pass Priority to UKMis. New York and Saving to Washington, Paris, Bonn.

[Repeated as requested]

Observation

This telegram was evidently from Mr. Patrick Johnston, the UK Ambassador at Yaounde.

19 October, 1960

You will recall from your last few weeks here that there were then signs that politicians in the Southern Cameroons were not entirely satisfied with the choices (whether to join Nigeria or the Cameroun Republic) open to the Territory at the United Nations plebiscite to be held next February.

2. I am writing now, in John Chadwick's absence on sick leave, to bring you up to date. The present situation is that at the end of August the Commissioner of the Southern Cameroons forwarded to the Colonial Secretary a request on behalf of his Ministers, that Mr. McLeod (sic.) should receive them in London to discuss a number of matters relating to the future of the country. The Governor-General supported this (in the Secret and Personal series). The request was against a background of assumption that the result of the forthcoming plebiscite would be in favour of joining the Cameroon Republic, and the principal concern of the Cameroonian Ministers was to provide for the administration of the Territory during the period of the plebiscite and the implementation of the results.

3. In a paper which has been prepared for Ministers, but not yet put up to them, the Colonial Office have set out United Kingdom fears, particularly arising from Foncha's talks with Ahidjo up to August, that the Cameroon Republic would not be able to provide for the present Southern Cameroons;

- (a) a Security Force to replace the British battalion now stationed there;
- (b) trained replacement for the present British staff and the present Federal Services employed on an agency basis;
- (c) a guarantee of the budgetary deficit at present underwritten by the United Kingdom;
- (d) assistance to replace development help at present given through C.D. & W. Funds.

4. If the Southern Cameroons opts for inclusion in the republic it seems that the United Kingdom might have to help train and equip a Security Force, provide Administrative and Technical Officers, and provide financial help on a tapering grant basis, which might run at the rate of around £1 million per year. Obviously, if Ministers should decide that we should give this help, we should have to take the greatest care to prevent any leak before the plebiscite of the news of our readiness to do so.

5. However, the most recent indications are that there is a possibility of Government and Opposition in the Southern Cameroons getting together to urge upon H.M.G. and the United Nations that the plebiscite should be abandoned and the Southern Cameroons given immediate independence on its own, leaving the question of union with its neighbours for settlement later. Beyond this idea lies probably:-

- (1) realisation by Endeley and his supporters that the vote is most unlikely to be for Nigeria.

- (2) doubts by all parties as to the capacity of the republic to replace Nigerian Federal Services and provide financial and economic support.
- (3) instability of Ahidjo's Government and fear that Moumie [sic.] may get into power.

6. We understand that a conference of political parties was due to be held in the Southern Cameroons yesterday preparatory to the London discussions. The position should be clearer as soon as we hear what transpired. Eastwood has reported from Buea that he is convinced that the majority of people want to join neither Nigeria nor the Republic. The plebiscite, if held, might therefore result in a large proportion of abstentions with the votes cast pretty evenly divided between the two alternatives.

7. Cohen in New York, while strongly advising, in the light of previous U.N. discussions and our own statements there, that we should stick to our (and the U.N.) original plan and pursue the plebiscite as arranged (that is, that the alternatives of joining Nigeria or the Cameroon Republic should be offered) has said that, given agreement between Foncha and Endeley, the solution of separate independence for the Southern Cameroons would not necessarily fail to secure agreement at the United Nations. Cohen has also said that if the plebiscite resulted in a very small poll, with many abstentions, the U.N. might well discount the result and start all over again, and separate independence for the Southern Cameroons would undoubtedly then be an attractive solution. Cohen has observed that there is every advantage in delaying our talks with Foncha and Endeley because the plebiscite machine has already started to turn and the further it progresses, the less chance there is of changing plans. All this is on the assumption that H.M.G. maintains the present view that separate independence existence for the Southern Cameroons is not on.

8. Assuming that the conference of political parties took place yesterday in Buea, we now expect to receive a firm proposal for the date of the talks with the Colonial Secretary. But Mr. McLeod has said that he will receive the Southern Cameroonian Ministers and discussions may therefore be expected to be held in London sometime in November. Whether or not Foncha and Endeley will then want to go on to New York remains to be seen.

9. Clearly all this closely concerns Nigeria. Among other things, there is the possible effect in the Northern Cameroons of these developments in the South, and we must do what we can to carry Nigeria with us in whatever we decide to do. We should be most grateful if you would consider in what way, and when, the Nigerian Government should be consulted.

10. Meanwhile if you are asked what is going on in the Southern Cameroons, we suggest that you could refer to the Southern Cameroons Ministers' request to see the Colonial Secretary and say that he has agreed to this although no date no date has yet been fixed. The results of the discussions in the Southern Cameroons will, on past performance, very quickly become public knowledge, and if you are asked about them, we suggest that you should say that we assume that these will be among the things that Cameroonian Ministers will raise in London, and that meanwhile you will pass on any further information you receive on the subject.

(B.J. Greenhill)

D.W.S. Hunt, Esq., C.M.G., O.B.E.
Lagos

P.S. You will by now have seen Buea telegram No. CC15 of 17th October about some agreement between Foncha and Ahidjo. Eastwood has also telegraphed , before going off to Mubi, that he had seen the documents and that they show (contrary to expectations) that Foncha has got what he wanted – viz. a nominal union in the first instance with closer federation the stated, but remote, goal. It seems therefore that the Buea conference (now reported as due to be held today) will result in unanimous demands for independence.

The situation is obviously still extremely fluid, but we will keep you posted.

Observation

This despatch was from Mr. Greenhill of the Commonwealth Relations Office (CRO), London, to Mr. Hunt, the UK High Commissioner at Lagos, Nigeria.

October 18, 1960

DESPATCH NO: PERSONAL 6

Sir,

As I reported in my Secret and Personal telegram CC.15 of 17th October, the Premier accompanied by Mr. Muna, Mr. Jua and Mr. Effiom, returned from Yaounde late on the 14th October, bringing with them the three enclosed original documents signed by M. Ahidjo and M. Assale on behalf of the Government of the Cameroun Republic and by Mr. Foncha on behalf of the Southern Cameroons Government.

2. The Premier and his colleagues were very tired but it was possible to have some discussion with them later the same evening. On the morning of the 15th, I was able to fly to Bali for a brief meeting with the Commissioner and Mr. Eastwood before the latter's departure for Mubi. Because of Mr. Field's continued absence on tour in the Bamenda area – he does not return to Buea until the 21st October – and acting on his instructions, I have had further discussions yesterday and today with the Premier, Mr. Muna and Mr. Jua.

3. These gentlemen told me that they feel that they have now returned to the position they took up immediately after the election of the K.N.D.P. Government in January 1959: immediate re-unification is demonstrably impracticable and a period of separate existence must, therefore, intervene. Now, however, they feel greatly strengthened by President Ahidjo's statement that it is "essentially necessary for the territory's Government to have an indigenous military defence of its own ..." and the implications inherent in the letter addressed to you, Sir, that the Cameroun Republic cannot undertake the defence of the Southern Cameroons, nor provide the financial and technical assistance necessary for the replacement of the agency services and the development of the territory's economy. They drew my attention in particular to the statement in the Resolution:-

"... the implementation of re-unification on a Federal basis adapted to considerations [sic.] peculiar to all sections of Cameroons cannot be automatic but gradual": and to the last clause in the document entitled Outline Proposals for a Draft Constitution for a Federal United Kamerun Republic:- "*States organs*. The Government organs of the States as at present will have to continue until the Federal organ is created."

4. They are not yet fully agreed among themselves as to the precise order and timing of the steps that they would wish to follow a Plebiscite vote in favour of joining the Cameroun Republic. Mr. Jua spoke forcibly of a period of independence of “at least five years and probably ten”. He has, however, always been opposed to re-unification and he told me privately yesterday that he was personally instrumental in procuring the insertion in the Yaounde documents of the clauses under-lining the period of separate existence and continuation of the “Government organs of the States as at present ...” Mr. Foncha and Mr. Muna hesitated to mention a period (presumably because they do not wish to alienate the more extreme re-unificationists among their supporters). All were, however, agreed that the period of separate existence must be dependent upon:-

- (1) the internal situation in the Cameroun Republic;
- (2) the degree of financial and technical assistance that they can get;
- (3) the speed with which a Military Force can be built up;
- (4) the rate of economic development in the territory.

5. All Ministers are very much alive to the dangers of a Communist coup in the Cameroun Republic and are unanimous in saying that in the event of such a coup they would abandon re-unification entirely. Their anxiety on this score has been heightened by the recent arrests in Mamfe and Kumba of some 19 citizens of the Cameroun republic most of whom were on their way back to the republic after having attended a comprehensive course in sabotage and guerrilla warfare in Peking. (A full report on these arrests is being prepared and will be forwarded very shortly). Mr. Jua told me that he was confidentially informed by a Cameroun Republic Minister that the Military Assistance Treaty between the Republic and France has been renewed for a further year. He understood the French Community Forces would occupy three garrison cities and that their primary role would be to train the Cameroun Republic Army: they will, however, form an adequate reserve in the event of a major rebellion.

6. Although not agreed among themselves as to the precise timing, Ministers told me that they intend to propose the following steps:-

- (1) The drawing up of an independent constitution in anticipation of a favourable Plebiscite vote. (This constitution will, among other things [rest of sentence missing])
- (2) A General Election to be held before the termination of Trusteeship.
- (3) A settlement in respect of technical, financial and military assistance.

- (4) The termination of Trusteeship and the grant of independence to the Southern Cameroons as a separate country.
- (5) At a later date (in Mr. Jua's view "after some years") the setting-up of a body representative of the Southern Cameroons and the Cameroun Republic which will make proposals for the gradual implementation of a unified constitution.

Ministers assured me that they are in no hurry for the termination of Trusteeship. If such a course were acceptable to the United Nations, they said, they would be happy for Trusteeship to continue for some years provided they could be assured of a greater degree of self-government than they enjoy at present.

7. Mr. Foncha had invited representatives of the chiefs, political parties not represented in the House and of the Opposition to the Conference at Mamfe, referred to in paragraph 10 of Mr. Field's Secret and Personal Despatch (Personal 5) of the 12th October. The Cameroons Peoples National Convention, however, declined to attend on the grounds that the prospects of securing agreement would be remote in the atmosphere of a political gathering of the sort envisaged. They stated, however, that they would be fully prepared to hold private discussions in Buea with the Premier and Ministers. The Premier told me today that he has already had several hours of discussion with the Cameroons Peoples National Convention leaders (other than Dr. Endeley who is now in Western Germany). He has done his best to secure their support in the request that he proposes to make to Her Majesty's Government and to the United Nations for financial and technical assistance sufficient to facilitate the replacement of the Agency Services, to permit the build-up of a Southern Cameroons Military Force and to ensure a reasonable rate of economic development. I gather that he has also attempted to secure the support of the Cameroons Peoples National Convention for the general course of action that he and Ministers would propose should the Plebiscite vote go in favour of the Cameroun Republic. I am told that no agreement has yet been reached but further talks are to be held on the 31st October. As the remaining invitations to the Mamfe Conference could not be withdrawn, the Premier and Ministers have gone to Mamfe today [rest of sentence lost].

8. The premier told me that during the conversations with the Cameroons Peoples National Convention leaders, further expressions was given to the desire – held in some degree by members of both parties – for

agreement on the cancellation of the Plebiscite and the grant of independence. Mr. Foncha, the night he returned from Yaounde, said that in view of President Ahidjo's attitude he had discarded his intention of attempting to stop the Plebiscite, because he considered that a vote for the Cameroun Republic would finally dispose of the possibility of a return to Nigeria and yet would not – because of President Ahidjo's 'co-operation' – result in immediate re-unification. Mr. Jua, on the other hand, told me privately this morning that he would support an agreement between the parties to stop the Plebiscite and seek either the grant of early independence or continued Trusteeship.

9. I learn from Mr. Dibonge, lately the Patron of the Kamerun National Congress, that the Cameroons Peoples National Convention considers the Yaounde documents have taken much of the wind from Dr. Endeley's sails: the second question is no longer the bogey question that he originally hoped it would be. Pressure is being put upon him to compromise and it therefore seems that the possibility of the Southern Cameroons representatives arriving in London with a united demand – as envisaged by Mr. Field in paragraph 10 of his Secret Personal Despatch of 12th October – has not been entirely removed by Mr. Foncha's somewhat unexpected success in Yaounde.

10. I am sending copies of this despatch to Her Majesty's Ambassador at Yaounde, to Sir Andrew Cohen in New York, to the United Kingdom High Commissioner in Lagos and to the Administrator, Mubi.

I have the honour to be,
Sir,
Your most obedient, humble Servant,

[signed] Malcolm Milne

COMMISSIONER'S DEPUTY.

THE RIGHT HONOURABLE IAIN MACLEOD, M.P.,
THE COLONIAL OFFICE,
THE CHURCH HOUSE,
GREAT SMITH STREET,
LONDON, S.W.1.

October 29, 1960

My Dear Christopher,

Thank you for sending me a copy of your letter WAF 103/78/01 of October 27 about the Cameroons. You ask for my comments.

2. I agree generally with paragraph 5 and 6 of your letter to the effect that, if the Southern Cameroons so chooses, sovereignty would have to be handed over to the United Kamerun when the Trusteeship Agreement is terminated, and that this will involve the new Federal Government having from the outset the necessary powers in foreign affairs. Otherwise Foncha might apply for U.N. membership! In other words Foncha would have to be told that the point in paragraph 6(4) of Milne's dispatch Personal No. 6 of October 18 is not possible. This is in accordance with what I said in my telegram Brief 154 to John Martin: I of course appreciate the need not to drive Foncha back to no plebiscite and separate independence.

3. Once the Trusteeship Agreement has been terminated, and sovereignty transferred, there can be no question of U.N. machinery for keeping the U.N. informed of what happens in the new State; after independence the only appropriate arrangements for giving the U.N. some status in the territory would be those analogous to what has been done in Somalia and are likely to be needed in Ruanda-Urundi, i.e. a technical assistance representative, perhaps with broad terms of reference. It is in this period between the plebiscite and the termination of the Trusteeship Agreement, which we hope will be short and which the U.N. will want to be short, that machinery with which the U.N. is associated is likely to be needed to help sort out the constitutional relationship between Southern Cameroons and the Republic, and the transfer of powers from the U.K. to the new state. This might be achieved by the Committee which I have suggested and which is proposed in the draft C.P.C memorandum.

4. From the U.N. point of view, there is another point about which we must satisfy ourselves before termination. This is that the arrangements for internal security in the Southern Cameroons after termination of the Trusteeship Agreement are satisfactory, and that there is no likelihood of break-down which might involve the U.N. This means we have to be satisfied not only that these arrangements are adequate from what I might call the technical security point of view, but that they will survive politically. If, as Ahidjo and Foncha contemplate, the Southern Cameroons is to have its own military force pending the assumption by the Federal Government of defence responsibilities, then it is important that we be

sure that the Government of the Republic really accepts such an arrangement, and that there is not going to develop a Tshombe-type situation. I realize, of course, that such a situation might well be unavoidable if in fact there were a communist coup in the republic, but I think that for the moment we must concentrate on making arrangements which will be satisfactory to the present Government of the Republic.

5. This concern that we must have for effective security arrangements brings me to the question of the attitude which we should adopt to the request made in the letter from Ahidjo and Foncha of October 14 that arrangements to train a Southern Cameroons defence force should be undertaken immediately, and that we should seek assistance from the U.N. for this purpose. On this I can see the practical advantages of taking immediate action, since we expect the plebiscite to come out in favour of unification. But if we do this before the plebiscite, it will be regarded by Nigeria as action prejudicial to her interests in the plebiscite; you will know from my letter of October 21st how sensitive the Nigerians are on this whole question at the moment. On Foncha and Ahidjo's letter of October 14 to the U.N., therefore, I think we should probably go no further than to say that action will be taken to secure assistance of this kind immediately after the plebiscite results are known, if there is a majority for union with the Republic.

6. Connected with this is the request in the last paragraph of the letter from Foncha and Ahidjo about financial and technical assistance to help speed up the Cameroonisation of the various public services in the Southern Cameroons. Here also there is a dilemma. We do not want in any way to give the impression to the Nigerians that we are doing anything before the plebiscite which runs counter to a choice in favour of Nigeria. At the same time the Cameroonisation of the public services is a desirable thing whatever happens to the Southern Cameroons and I do not think we can afford to be too negative on this request. You say in your letter that your line on this is as in the draft C.P.C. paper. Paragraph 11(a) of that in effect puts off this question until after the plebiscite. You will remember that in the note I sent with my letter of September 16th I expressed some doubt about this passage in its original form and I am still doubtful. It seems to me that Foncha could at any rate be told that H.M.G. will be anxious to help whatever happens in the plebiscite. [Even if the Southern Cameroons chose Nigeria such help would presumably be appropriate, at any rate until the termination of the Trusteeship.] But could we not go somewhat further than this even now and offer or give Foncha some help in pushing forward his plans for Cameroonisation? It seems to me that we may be in some

difficulty here if we cannot make a more positive statement on this point. The defence force point is of course more difficult. Without committing ourselves to the establishment of a defence force until after the plebiscite, I do not know whether it would be possible to offer some sort of assistance from the British battalion now in the Southern Cameroons towards the training of Cameroons personnel for security purposes generally. This would have considerable practical advantages. I should have thought it would have been useful to us here, although we should have to be very careful from the Nigerian point of view.

7. You have no doubt been giving thought to the method of handling the joint letter from Ahidjo, Assale and Foncha dated 14th October. This, I see, asks that the letter should be sent through us to the United Nations. The defence point in the letter may raise difficulties with Nigerian and in any case the effect of the letter may inflate the discussion on the Cameroons when the Report of the Trusteeship Council comes up – this we would want to avoid. It seems to me, however, that there are only two possible courses on this letter. Assuming that you are able to reach agreement with Foncha on the points covered by the letter, one course would be to send the letter to the Secretary-General under cover of a letter from the U.K. Delegation indicating what H.M.G. has agreed with Foncha. In that case it would presumably be necessary to seek the agreement of Ahidjo also to what we are going to say, or at any rate the acquiescence of the Cameroun Government to our saying it. The alternative would be, if you reach agreement with Foncha and if he then does not insist on the letter going on, for him or H.M. Ambassador, or both, to seek Ahidjo's agreement to not sending the letter forward on the understanding that whatever has been agreed is going to be done. I think this second alternative might not be easy; but it all depends on the course of the talks. If you do not succeed in reaching agreement with Foncha, then presumably the letter would be sent on under cover of a letter from us indicating what we propose to do and we should inform Foncha and Ahidjo what we are going to say before we do so. One thing does not seem to be possible, and that is simply to delay or not to send the letter on without the agreement of Foncha and Ahidjo. The Cameroun Delegation would then be likely to produce the letter themselves, which would place us in a most embarrassing situation.

8. It is important that the Nigerian Government should be consulted in advance about any action which we decide to take; they feel that their prestige is very much at stake in all this and are most sensitive. This consultation should take place here in New York as well as in Lagos.

9. You will no doubt inform us of the progress of the talks and of their results; it will be important to get brief particulars of the essential points very quickly. As soon as the talks are over we shall of course need instructions, and if there is to be a submission to the C.P.C. after the talks it would be helpful to have provisional instructions even before the process has been completed.

10. I am sending copies of this letter to Greenhill, Wilson, Hayes and Boothby.

Yours ever
A. B. Cohen

C.G. Eastwood, Esq., C.M.G.,
Colonial Office.

SECRET

Sir H. Poynton

Mr. Eastwood.

I am very interested to see these papers. As they are currently under examination in the department I will not make any comment on them at this stage except on one point.

The thing that worries me most in all this is the likelihood that if the plebiscite in the Southern Cameroons goes in favour of union with the Republic there is likely to be a fairly long delay – and probably an indefinite delay in the sense that no date can be settled in advance for full union – before the absorption, whether in the form of a federation or an integration, can take place. The implication appears to be that during this period, earlier described as the betrothal period, the Southern Cameroons would in effect be an independent entity of its own. The United Kingdom Trusteeship would have been terminated but we should still be regarded as being under a moral or political obligation to underpin the administration financially and otherwise. This seems to me to be a wholly unsatisfactory arrangement. When we gave Somaliland independence, the integration with Somalia was already assured and there was only a few days interval between the withdrawal of the British protection and the amalgamation.

Much the tidiest way of doing this would be to insist upon a definite date on which the complete assimilation would take lace and for equally to insist, if necessary, to a point of veto in the United Nations that the United Kingdom Trusteeship should be continued until it can hand over to a new Government embracing both territories. On the other hand, the thought of the Colonial Office having to carry the responsibility for the administration of such an unviable territory any longer than we need is pretty distasteful. If we forced to the conclusion that the Southern Cameroons must become independent pending assimilation with the Republic at some future and indefinite date I assume that the U.K. responsibility for relations with the Southern Cameroons on the termination of the Trusteeship agreement will pass to the Foreign Office. I am sure that the Colonial Office should have no part of any responsibility for trying to look after the Southern Cameroons and provide them with financial and other technical assistance after they become independent. We should, no doubt, be able to help the Foreign Office behind the scenes but I am sure that we must refuse firmly to accept any departmental responsibility towards the Southern Cameroons once the Trusteeship agreement is terminated.

[signed]

31st October, 1960

The Secretary of State has asked me to acquaint you with the views of Her Majesty's Government in regard to the implementation of the results of the forthcoming plebiscite. These views are as follows.

Her Majesty's Government would want to bring its responsibilities in the Cameroons to an end at the earliest possible date after the plebiscite. For this purpose, they may well decide to seek a resumed session of the United Nations General Assembly as soon as possible after the U.N. Plebiscite Commissioner has submitted his report on the plebiscite, which will probably be in April, 1961. Her Majesty's Government hopes it will be possible for the Trusteeship Agreement to be terminated within a month or two after that. They have every reason to believe that the General Assembly will be equally anxious to terminate the Trusteeship Agreement quickly and that it will insist on the immediate implementation of which ever choice secures a majority in the plebiscite.

The choice in the plebiscite is between joining Nigeria or joining the Cameroun Republic. This implies that the United Nations require that sovereignty over the British Cameroons shall be transferred to either Nigeria or the Cameroun Republic as soon as practicable after the plebiscite. Her Majesty's Government recognize that if the vote goes in favour of joining the Cameroun Republic, many practical and difficult questions would have to be solved quickly. This was implicit in the decision taken by the General Assembly at its Fourteenth Session and it is because of these difficulties that Her Majesty's Government has been urging that negotiations on the arrangements for unification with the Cameroun Republic should be undertaken now.

It will not be enough for these arrangements to be left to be settled at some indefinite time in the future. At its Twenty-Sixth Session the Trusteeship Council adopted a resolution (No. 2013 (XXIV) of the 31st May, 190) which

“Requests the Administering Authority to take appropriate steps, in consultation with the authorities concerned, to ensure that the people of the Territory are fully informed, before the plebiscites, of the Constitutional arrangements that would have to be made, at the appropriate time, for the implementation of the decisions at the plebiscites.”

This implies not only a clear statement of the form unification would take but also of when, and how, it would be implemented. Most members of the United Nations can be expected to take the view that the precise terms of unification with the Cameroun Republic shall be settled before the plebiscite. If they are not settled before then, Her Majesty's Government would have to ask the United Nations whether they would wish Her Majesty's Government to make it known to the people of the British Cameroons that those who vote to join the Cameroun Republic were voting for the unknown.

(J.O. Field)

The Hon. J. N. Foncha, M.H.A.

Observation

This cunning brief from Field to Foncha was written exactly along the lines dictated by Cohen. Its primary purpose was to deflect Foncha and his Ministers from their stand on a period of separate independence for

the Southern Cameroons before a decision on so-called 'unification'. The claims attributed to the United Nations were at best tendentious. In particular, the claim that the United Nations required that sovereignty over the Southern Cameroons would have to be transferred to Cameroun Republic if the vote went in favour of joining that country was completely false. First, the UN could not have imposed such a requirement because it would make a complete nonsense of the right of self-determination, a concept the meaning of which is that a people must freely determine their political status without any outside imposition or interference. The essence of self-determination is free, genuine and voluntary choice, and self-preservation not extinction. Secondly, if the UN required sovereignty over the Southern Cameroons to be transferred to Cameroun Republic it could have conveyed that requirement by using the term 'integrate' or fuse or absorbed. The word 'integrate' already enjoyed a consensus of opinion at the UN way back in the early 1950s. This brief is undated, but it would have been written in October 1960.

Extract from Report from A.P.A. Wum/Nkambe, Ref. No. 25/A.P. A./1 dated 30th September, 1960. Pleb. 57/5.

5. FIRST ENLIGHTENMENT CAMPAIGN

This began as early as early as the 8th to the 12th September when all Plebiscite Supervisory Officers were sent out on a short 5 day trek to enable them to shake down and discover the limits of their kit, carriers and themselves.

There was then a short period in which Plebiscite Supervisory Officers were able to replenish their stores and make up any deficiencies in kit they discovered and since the 20th September, touring has been constant.

Complete reports from all Plebiscite Supervisory Officers are not yet to hand, following information is factual up to 28.9.60, in this office.

Wum 49 meetings held Attendance 4.757

Nkambe 23 meetings held Attendance 2.054

The public reaction has been one of considerable attention and varies from some bewilderment in the more rural areas to sophistication in the larger towns where there is considerable political knowledge. So far there have been very few complaints about the interpreters and what they are saying.

Questions by the public have centred mainly on two points.

1. "Why is there no 3rd box so we can stay as we are?"
2. "What are the symbols to be for the two boxes?"

In this connection I cannot stress too strongly that the sooner we know how the two polling boxes are to be distinguished, the better it will be for everyone.

Public Enlightenment Campaign Report: Bamenda North.

- (a) 3rd October, 1960.
 - (b) Tabessob and Nkar.
 - (c) Two
 - (d) 103 and 67
 - (e) Very good
1. What will happen if I do not register?
 2. If my wife is sick on voting day, how will she vote?
 3. Why are we having a Plebiscite?
 4. Where is the Government now?
 5. Why can't the British continue to show us the way?
 6. What will happen if there is fighting?
 7. What about the Fulani?
 8. What if the Registration Clerks are political?
 9. Where will the boxes be kept?
 10. How will the P.S.O. supervise the Clerks?
 11. How is the United Nation [sic] going to work here?
 12. What about the old people?
 13. What will the difference in the Government be after the Plebiscite?
 14. What Nationalities are the United Nation [sic] personnel?
 15. How do I know what my interpreter is telling the people?
- (f) The meeting at Kishong will be held on Wednesday 5th and not Tuesday 4th.

(Sgd.) K. Lees,
Plebiscite Supervisory Officer,
Bamenda North.

Public Enlightenment Campaign Report: Bamenda North

- (a) 11th October, 1960.
- (b) Mbinon and Nkar.
- (c) Two.
- (d) 95 and 75
- (e) Good.

- 1. What is the Republic?
- 2. Why can't the Southern Cameroons stand on its own?
- 3. What are we going to do to stop people from registering?
- 4. What will happen, if when we have Independence other Country makes trouble for us, who will help us?
- 5. If I was born in Bamenda must I vote there?
- (f) Nil.

(Sgd.) K. Lees,
Plebiscite Supervisory Officer,
Bamenda North.

No. 25/A.P.A./11
Plebiscite Office,
Wum.
28th October, 1960.

The Deputy Plebiscite Administrator,
Buea.

The First Enlightenment Campaign.

This campaign began on the 12th September when all P.S.Os [Plebiscite Supervisory Officers] were sent on a short 5 day trek in order to get them used to bush travel, to acquaint them with local conditions and to allow them to find what practical difficulties they were up against.

2. On their return, they made up such deficiencies in their equipment they had discovered and then proceeded on their first proper campaign. The treks undertaken varied from short ones of only three or four days duration, to as long as 14 days. The last meetings of this campaign were held on the 18th October.

3. One area remains to be enlightened, that of Fungom, in Wum North which lies across the river Katsina. This area is being toured now. The P.S.O concerned is on a 19 day trek, travelling ahead of the A.R.Os who will register this area. His touring has been so arranged that he will enlighten the village a day ahead of the A.R.O. concerned. At the final point, the P.S.O. turns back and checks the registration of the A.R.Os.

4. The following is a summary of the work undertaken during the enlightenment campaign.

PLACES VISITED MEETINGS HELD ATTENDANCE

WUM NORTH 24 28 2829

WUM CENTRAL 29 30 2816

WUM EAST 55 55 2647

WUM WEST 18 20 1437

NKAMBE NORTH 18 18 1132

NKAMBE EAST 38 39 3532

NKAMBE CENTRAL 26 24 2682

NKAMBE SOUTH 21 21 1050

229 235 18,123

5. I attach a list of all the villages where meetings have been held. At only two villages visited, namely Kibo and Saa in Nkambe Central did the villagers not turn up for the meeting.

6. **Public Reactions.** On the whole, the public was very interested and attentive, only in very few cases have the P.S.Os reported a lack of response. In the more sophisticated areas such as Wum East, Nkambe Central and Nkambe South and particularly in the bigger villages of Belo, Njinikom, Ndu and Nkambe, the people had a very fair understanding of what the Plebiscite was about. In the remoter areas, such as Wum West, Wum North, Nkambe North and Nkambe east, the reaction was one I described as “interested bewilderment” that such a thing has come to pass.

7. **Questions.** Questions concerning actual registration were very few, some enquiries were made why long residence in the Southern Cameroons did not qualify a man for registration and a few of the more sophisticated attending attempted to trip the P.S.Os by enquiring how one could tell whether a woman was 21 years old or not, but satisfactory answers were given. On wider issues, one question was always asked. This was “Why have we not a third choice?” It had many variations but they all aimed at either:

- (a) continued Trusteeship or
- (b) independence

Examples of such questions are :-

- (i) Who says we are ready for independence?
- (ii) Why cannot we stand alone?
- (iii) Why should a poor man sell his independence to join with bigger and richer men?
- (iv) Why must the British go?
- (v) What should we do if we do not like either choice?

There was widespread ignorance of what exactly the republic of the Cameroons was particularly in the remote areas. In the towns this question was used to try to trip the P.S.Os into using the term French Cameroons, but the trap was successfully avoided. In the remoter areas, there is no doubt that the villagers have very little idea of what the outcome of the plebiscite may mean. Some fear that the losers will have to migrate to the Federation of Nigeria or the Cameroons Republic, but in any case, they do not relish the division amongst themselves that the outcome of the Plebiscite will cause.

8. **Polling.** Everywhere questions were asked about the polling boxes, and how they were to be distinguished. I hope we shall know the answer to this fairly soon. In only one area did the secret ballot not meet with approval and that only came from a rather militant women’s [sic] society.

9. **Comments.** I hope these comments will be treated as being of a constructive nature. It would be quite easy for me not to comment at all.

- i. **Pamphlets.** Apart from being of little use with an illiterate population, their composition was such that it was very difficult to get the matter over by interpreters, who themselves had not a wide command of English. I hope that future material, such as the two constitutions will be written much more simply.

- ii. **Posters.** As there is universal suffrage here, it is a pity no women were depicted on the big Plebiscite poster.

10. **General.** The health of the P.S.Os has been fairly good. Experiences have been had of the attacks of chiggers, tumbo flies, filarial and one case of dysentery. All have recovered and are back at work. The dysentery case however, did show how precariously balanced is the staff and the work. Some of the P.S.Os were rather exhausted at the end of their treks, and have profited by their experience.

Accidents have occurred to two land rovers, but none have had to be taken off the road.

Communications are both difficult and slow but are surmountable.

Accommodation in Bamenda for P.S.Os going in for shopping has been difficult to obtain on occasions. This has now been solved by the P.S.Os of Wum leaving at 4 a.m. to get through the barrier on the road and returning the same day. To a request to the Army that they could help by providing an empty tent for shelter, it was stated that this could be done if a week's notice was given. I make no comment on this.

I understand that the wireless set for Wum Headquarters was not usable and had to be taken back for repairs. Unless it proves to be an improvement on the one I heard in operation in Nkambe, I do not think the absence of one here will be a great misfortune.

11. The United Nations Observers, Messers. [sic] Rajasooria and Jemeney have taken up their posts at Wum and Nkambe respectively.

[Signed] J.D. Tallantire
Asst. Plebiscite Administrator,
Wum/Nkambe

Observation

The Plebiscite Administrator in the Southern Cameroons was Mr. Hubert Childs and his Deputy was Mr. J. Dixon. There were 26 Plebiscite Supervisory Officers, and five Assistant Plebiscite Administrators, namely RB Allen in Buea; PL Allpress for Victoria/Kumba; CS Grisman for Mamfe; ARPPK Cameron for Bamenda; and JD Tallantire for Wum/Nkambe.

SECRET

1st November, 1960

You will have received a copy of my letter to Boothby of the 27th October about the Southern Cameroons and I hope by now you have also received a copy of despatch Personal No. 6 from Milne in Buea which was sent to you direct. Both one of my letters and Milne's despatch enclosed copies of the documents signed in Yaounde by Ahidjo and Foncha. We have now discussed interdepartmentally the situation as it appears up to Milne's despatch.

2. It is not clear precisely what is the effect of these documents and of recent discussions and we probably shall not be able to get clarity until Foncha and his colleagues, together with Endeley and his, start their discussions here about the 10th November – if indeed we can get clarity then. It appears from the dispatch that what Foncha and Co. are really pursuing is separate independence whereas the documents at least pay lip service to the idea of unification with the Republic. There is the same implication in the difference between the press communiqué and the signed documents, to which I drew attention in para. 3 of my letter to Boothby of 27th October. The press communiqué refers to a referendum (or more exactly to a consultation with the peoples) on the form of the Federal Constitution. This implies that the Federation will have some degree of reality. The signed documents speak of the governmental organs of the states continuing until the federal organ is created and Jua at least among the Ministers clearly has in mind independence for at least five years.

3. There are thus two opposite conceptions. It seems that Foncha is seeking to reconcile them by postulating separate independence as an interim step before unification which is not to take place for a long time. Is this reconciliation possible? Can one argue that the terms of the question "Do you wish to attain independence by joining the Republic?" allow for an interim period during which the Southern Cameroons will virtually have its own separate and independent existence while the terms of unification with the Republic are being worked out? The words "by joining the Republic" taken literally appear to rule this out. But it may be that Foncha will seek to argue that if his solution, having been agreed to by Ahidjo, is not opposed by the U.K., the U.N. may be induced to wear it. There would be the better grounds for this if Endeley were prepared also to agree to this interpretation of the question.

4. We do not like all this at all. But we like the alternatives even less. To go for complete independence or to seek to insert a third choice in the plebiscite would create major difficulties. We feel, therefore, that we may have to acquiesce in something on the lines of what is proposed. But we feel that if there is not to be trouble in the United Nations Foncha must recognise that there will have to be at least some nominal assumption of sovereignty by a body outside the Southern Cameroons itself.

5. We propose to suggest therefore to the Secretary of State that he should say to Foncha that he has been very interested to see the outcome of his discussions with President Ahidjo. He notes however that the documents which they have signed do not appear to cover the means by which the Federation shall be established. They do of course refer to there being eventually two Legislative Houses for the Federation and a Supreme Authority for the Federal State but it would seem to the Secretary of State that there would be immediate need for somebody to assume sovereignty of the Federation, even if it had only the status of a provisional Government or something like that. He would ask whether Mr. Foncha discussed this matter with President Ahidjo. He could also refer to the difference between the signed documents and the communiqué and ask for an explanation. He could go on to say that we expect that the United Nations would wish to know what kind of body was going to assume sovereignty over the reunified territory; the relevant question in the plebiscite refers to the Southern Cameroons “joining” the Republic of Cameroun and there can presumably therefore be no question of the Southern Cameroons being completely sovereign by itself.

6. There might be two consequences of such an approach. On the one hand it might lead Foncha to fill in more detail of what he and Ahidjo had in mind, even if it were only to show that under some sovereign entity the old Cameroun Republic and the old Southern Cameroons would have pretty nearly autonomous existences. There would however be a single entity to represent them internationally. If that were the case well and good and as I said in my letter to Boothby we do not think that a largely independent British Cameroons would be a disaster; in fact given the possible futures which are open to the Republic of the Cameroun it could well be a good thing.

7. On the other hand to bring Foncha hard up against the fact that “joining the Republic of the Cameroun” means joining the Republic and that there must be some tangible reality to the union may have the effect of bringing him to declare that in fact he wants no such thing and that what he is after

is separate independence (or even continued trusteeship) for his country. We should then have to argue that we are by no means sure that the United Nations would be willing to recognize any such entity as an independent Southern Cameroons. On the basis of past performance the United Nations would not even be interested in such a question; it has considered the future of the country often and in detail and has come to the conclusion that its future lies with one of its neighbours. Foncha and Endeley agreed last year to the two questions and Foncha must really make the best of it. This could lead to say that if that is so he will instruct his people to abstain in the plebiscite or to spoil their papers so that a very large number of abstentions may vitiate the plebiscite altogether. He would then when the results were known confront the United Nations with the tolerable thesis that his people wanted neither of their neighbours and only an independent existence and you have told us already that in that event it could not be ruled out that the United Nations would "give" them independence. I do not personally think that there is at all a serious risk that Foncha will take this line.

8. If Endeley agrees with Foncha that what they really want is independence, our task becomes that much more difficult. If there is a unanimous demand for independence, we shall be forced to bring it to the notice of the United Nations and it seems to us (and I gather to you) that they would be bound to treat it seriously. We need not at this stage pursue the implications of this.

9. Could you let us know very soon what you think about all this and in particular give us your current assessment of what United Nations reactions to all these machinations are likely to be? We should be glad to know what you think is the minimum degree of "joining" that the United Nations will stand for. Do you think that at the Fourth Committee we would be under an obligation to inform them of the result of the talks with Foncha and circulate the agreement with Ahidjo? If we do the latter there might be some danger of our being asked how these documents can be reconciled with the existing choices which might be difficult unless Foncha has concealed the need to transfer sovereignty.

10. We have also discussed the question of the Northern Cameroons in which one of our prime objectives has to be to safeguard our relations with Nigeria. My impression in the territory was that the chances are the vote will go in favour of Nigeria. But if Ahidjo offered them autonomous existence this would be attractive. The people do not want any future which will unite them permanently with the South. You will see that Foncha's

agreement with Ahidjo says pretty explicitly that the North could go into the reunified State on a separate basis. We are about to receive from Nigeria a formal statement which may be used in the enlightenment campaign. We have not however a similar statement in respect of the Cameroun Republic but our present feeling is that it would be advisable not to seek to probe Ahidjo further lest he makes something like a real forcing bid. We think we could probably answer any United Nations as to what efforts we had made to obtain clarification of the terms in respect of the North by references to the approaches made in Yaounde and allusions (not too specific) to the papers which Foncha has signed with Ahidjo.

11. After the plebiscite, it is only too likely that if it should by ill chance go the wrong way, the Nigerians would wish to withdraw their Administrative services and police immediately, possibly without even waiting for the United Nations discussion. This would expose us to a very serious situation in the territory with no administration and hardly any provision for security, except possibly the Native Authority Police. We should, although we do not delude ourselves that it would be easy, possibly be able to make some sketchy arrangements for the administration of the territory during an interim period before it was handed over to the Republic. The problem of security would be very much more difficult since it would obviously be politically almost impossible to ask Nigeria for transit facilities in order to put down pro-Nigerian rioters in the Northern Cameroons; similarly it might be equally embarrassing to appear to “invade” the territory from the Cameroun Republic by using airfields on their side. Having hoisted this problem in, however, we have thought it best not to pursue it for a week or two. We are awaiting a report from the R.A.F. [Royal Air Force] on the means of re-enforcing the North from the South and Great batch is about to open up the subject discreetly with the Sardauna and will be letting us know what transpires.

12. We should be grateful if you would let us know whether you think our efforts on the North so far will meet any legitimate questions in the United Nations or whether there is anything further that we ought to do in order to avoid embarrassment there. We should also be glad to know whether you think the Cameroun representatives in New York will say anything on the subject either of the North or of the South. We presume that they will put themselves in a position to answer any questions which may be addressed to them. Finally Foncha (and perhaps Endeley) may well want to appear in New York. Can we have your views on this?

13. I am copying this to Boothby and Hale in the Foreign Office, Greenhill in the C.R.O. [Commonwealth Relations Office], and Lee in the Treasury. I am sending a copy to Wyn-Harris in Mubi and will give a copy to John Field on his arrival here on the 8th November. I am also sending a copy to Milne who will be acting for him in Buea.

C. G. Eastwood
Sir Andrew Cohen, K.C.M.G., K.C.V.O.

Observation

This letter from Eastwood to Cohen demonstrates yet again the foul extent to which the British Government was prepared to go (including duplicity and conspiracy) to deny the people of the Southern Cameroons the right to govern themselves and freely determine their own future.

CAMEROONS

Brief for S of S [in handwriting and then crossed]

Minister of State

I agree that this draft preliminary brief should be sent on for the Secretary of State to see before he meets Mr. Field tomorrow morning and also agree generally with its terms, so far as it goes. I am asking the Department to produce evidence in support of the belief (referred to in paragraph 13) that, provided the United Kingdom were prepared to grant a moderate degree of assistance in the fields of finance, staff, technical assistance and the creation and training of a defence force or "militia", the Southern Cameroons could probably manage to run as an independent State. In any case, both for political and financial reasons, I feel sure we ought to avoid a position in which the U.K. accepts sole responsibility for providing such aid after termination of trusteeship.

I am sending copies of this minute to Sir Hilton Poynton and Mr. Emanuel.

JMM

8.11.60

[In handwriting]:

Secretary of State

This is tricky. I think his brief is not on the right lines. In particular we must be very careful about independence and temporary sovereignty lest N[igeria].

Observation

The signature 'JMM' is that of Sir John Martin of the Colonial Office. The minute was from him to the Minister of State at the Colonial Office, Lord Perth. The comment in handwriting is that of Lord Perth.

NOT FOR PUBLICATION, BROADCAST OR USE ON CLUB TAPES
BEFORE 0001 HOURS G.M.T ON THURSDAY, NOVEMBER 17,
1960.

TALKS WITH REPRESENTATIVES FROM THE SOUTHERN CAMEROONS CONCLUDED

The talks between the Secretary of State for the Colonies (Mr. Iain Macleod) and an all party delegation from the Southern Cameroons have been concluded.

The General Assembly of the United Nations decided last year that the two questions in the plebiscite to be held in the Southern Cameroons on February 11, 1961 are to be:-

1. Do you wish to attain independence by joining the independent Federation of Nigeria? or
2. Do you wish to attain independence by joining the independent Republic of the Cameroun?

It will be recalled that the Trusteeship Council has asked the Administering Authority to take steps in consultation with the authorities concerned to ensure that the people of the Territory are fully informed, before the plebiscite of the constitutional arrangements that would have to be made, at the appropriate time, for the implementation of the decisions at the plebiscite.

The implications of joining the Federation of Nigeria have already been made clear, namely that the Southern Cameroons would become a separate Region in the Federation.. The main matter discussed at the talks was the implications of the second choice.

The talks revealed that there were considerable differences of view on the subject.

The Secretary of State said that in the view of Her Majesty's Government the United Nations, in adopting the two alternatives of joining Nigeria or joining the Cameroun Republic, clearly ruled out a period of continuing Trusteeship or separate independence for the Southern Cameroons. In Her Majesty's Government's view, therefore, if the plebiscite goes in favour of the Cameroun Republic arrangement would have to be made for the early termination of trusteeship and the transfer of sovereignty to the Republic. The Secretary of State had noted that the Premier of the Southern Cameroons had ascertained from the President of the Cameroun Republic that a federal form of constitution would be acceptable.

In the Secretary of State's view the following interpretation would be consistent with the second question:-

“A vote for attaining independence by joining the Republic would mean that, by an early date to be decided by the United Nations after consultation with the Government of the Southern Cameroons, the Cameroun Republic and the United Kingdom as Administering Authority, the Southern Cameroons and the Cameroun Republic would unite in a Federal United Cameroun Republic. The arrangements would be worked out after the plebiscite by a conference consisting of representative delegations of equal status from the Republic and the Southern Cameroons. The United Nations and the United Kingdom would also be associated with this conference. During the short period while the arrangements for transfer were being made the United Kingdom would of course be ready to continue to fulfil their responsibilities under the Trusteeship Agreement.”

Mr. Foncha, the Premier of the Southern Cameroons, expressed the hope that the United Nations would be prepared, if the vote went in favour of the Cameroun Republic, to agree to a period of independence for the Southern Cameroons under which preparations would be made for the unification of the Southern Cameroons with the Cameroun Republic on a federal basis. He recognized that this interpretation would require the specific endorsement of the United Nations. In Mr. Foncha's view the arrangements for unification should follow the broad lines of the agreement he had reached with President Ahidjo.

The delegates representing the Opposition party within the Southern Cameroons Legislature took broadly the same view as the United Kingdom Government. They held that the people of the Southern Cameroons should be told plainly that if they voted to join the Cameroun Republic this would definitely happen within a short time. They also expressed the strong view that precision should be given before the plebiscite to the arrangements for joining the Cameroun Republic.

All delegates agreed that subject to the concurrence of the President of the Cameroun Republic and in the absence of a new definition by the United Nations of the meaning of the second question the formula put forward by the Secretary of State and quoted above would be acceptable to them.

In view, however, of the differences of interpretation of the meaning of the second question the delegates concluded that the United Nations should be apprised of the differing views and be asked to give an authoritative ruling as soon as possible.

November 16, 1960

Colonial Office

INFORMATION DEPARTMENT ABBey 1266

NOT FOR PUBLICATION, BROADCAST OR USE ON CLUB TAPES
BEFORE 0001 HOURS G.M.T. ON THURSDAY, NOVEMBER 17,
1960

TALKS WITH DELEGATES FROM THE SOUTHERN
CAMEROONS
ADDITIONAL MATTERS DISCUSSED

At the discussions with the delegates from the Southern Cameroons, which have concluded in London, questions of financial assistance, defence, and constitutional changes were raised. The Secretary of State for the Colonies (Mr. Iain Macleod) took note of the views of delegates but could not enter into any commitments with regard to any of these matters before the plebiscite in February, 1961.

All delegates paid a tribute to the conduct of the British troops* in the Southern Cameroons whose presence and good relations with the people were much appreciated.

November 16, 1960

[* The 1st Battalion of the King's Own Border Regiment went to the Southern Cameroons last September.]

CONFIDENTIAL
TO SOUTHERN CAMEROONS (Commissioner)

Cypher (O.T.P.)
Sent 19th November, 1960. 21.30 hours

CONFIDENTIAL AND PERSONAL
PERSONAL NO. 16

Following BUILD telegram of 18th November from U.K. Mission New York addressed to Foreign Office No. 1371 repeated for information to U.K. High Commissioner Lagos No. 66, Yaounde No. 14, and Commissioner Southern Cameroons No. 11.

Begins.
Your telegram No. 2721.
Southern Cameroons.

We agree that it may be advisable in Assembly not to come out too strongly and that in giving our views behind the scenes to other delegations, as we shall have to, we should not show too much anxiety these are matters of tactics which we would wish to discuss with Nigerian delegation. We agree also as to importance of Republic delegation's view; indeed we have already made this point to Nigerians.

2. But, from the point of view of our relations with Nigerian delegation and of getting the most satisfactory result, it seems to us essential that, when we discuss tactics with them, they should be left in no doubt not only that we disagree with Foncha's interpretation of second question, but that, whatever tactics we adopt, our objective in Assembly discussion will be to secure that question is not redefined as Foncha proposes, or changed, or supplemented by a third question. That does not of course mean that we would not accept Assembly decision to redefine second question: it would mean that we should pursue tactics designed to prevent this. Nigerian delegation are bound to question us on this point and if we cannot give them clear answer the effect will, we believe, be very bad. They have today spoken to us in terms which make it clear they are anxious lest our actions may make things more difficult for them in plebiscite.

3. As regards paragraph 2 of your telegram, even if Abubaker [the Nigerian Prime Minister] takes somewhat different view from Nigerian delegation in New York, the fact remains that, if Foncha secures his redefinition, Nigeria's chances in the Southern Cameroons will surely be reduced. Nigerian Government may not mind this; but do you not think that Nigerian public opinion might be seriously upset if any action or omission on our part appeared to have prejudiced their chances in the South? Still more serious, a redefinition or change of questions in the South might well be accompanied by similar action in the North, which would seriously prejudice Nigeria's prospects there. We note from Eastwood's letter of 17th November his view that consequences on our relations with Nigeria would be very bad indeed if plebiscite again went wrong in the North. The only thing that can be done in the United Nations to prevent these things from happening is to stick to the existing questions and the definition as given by the Colonial Secretary, and we much hope it may be agreed that this should be our objective.

4. From our point of view here we would hope that in any discussion with Abubaker dangers referred to in previous paragraph would be explained to him and that he would agree with the above course of action. We assume also that it would be borne in mind in any such discussion that on two recent issues, target dates and the Congo, Abubaker has at our instance sent instructions restraining the Nigerian delegation. If on this third issue, directly affecting Nigeria's interests he were to take similar action, we fear that the effect on our relations with Nigerian delegation might be bad. We realise that this is a subsidiary point, but thought it worthwhile drawing attention to it.

5. Grateful for early instructions, as Nigerians will be expecting to have discussions with us early next week.

Ends.

(Confirmatory copies by air mail.)

(Cost of telegram £15 15s.4d.)

Observation

Incredibly the British Government is once again guided in its actions not by the overriding interests of the people and territory over which it had voluntarily assumed international obligations, but by extraneous interests: that of its own, that of Nigeria and, wonders, even that of France and Cameroun Republic!

For Free Circulation

VICTORIA, 24 NOVEMBER, 1960

“I AM SATISFIED,” – FONCHA
London Talks Concluded:

The talks between Mr. Iain Macleod, the Secretary of State for the Colonies and, an all-party delegation from the Southern Cameroons have been concluded. The delegation now in the territory were met at the airport by Government officials and supporters of the parties. As the plane in which the delegation travelled, landed at Tiko airport supporters cheered and shouted slogans. Others carried banners which read:- “Welcome to Chiefs, Premier and Ministers”, “We are welcoming you whole-hearted back from the London Talks”, “We congratulate you for your great achievement for the benefit of the people of Southern Cameroons”. Other placards read: “Secession achieved! K.N.D.P.” Supporters of the Opposition and the Women Wing of the C.P.N.C. wrote on their placards: “We want unification with independent Nigeria.”

Later the Premier made a short address in which he thank everyone present for the trouble they had taken in coming from places like Kumba, Muyuka and Likomba, to welcome them home. About the London Talks the premier said they discussed at length the question they had in mind relating to the future of the Cameroons and he was quite satisfied with what had taken place at the Talks. He also referred to points like defence, finance and the plebiscite and said amidst cheers, “those who went to London with the intention of putting off the plebiscite have failed and we are still going to have the plebiscite as I feel it is the only fair means of letting you decide which way you would like to go.” (In the plebiscite which decides the future of the territory on the 11th February, 1961, the people of the Northern and Southern Cameroons will be asked to state whether they would wish: 1. To attain Independence by joining the independent Nigeria? or 2. To attain Independence by joining the independent Republic of the Cameroun?)

STATEMENT BY HON. J.N. FONCHA on the Southern Cameroons Conference held in London from 9th – 16th November, 1960.

The purpose of the conference was to explain to the Colonial Secretary the following:- (1) The proposed draft constitution for a United Kamerun as signed by President Ahidjo and myself on 14/10/60. (2) To request for the training of a Southern Cameroons Military Force, development plan and constitutional changes.

Foncha/Ahidjo Draft Proposal Accepted by Colonial Secretary

1 (a) The draft proposal signed by President Ahidjo and myself has been the Republic of Cameroun accepted by the Colonial Secretary as our own interpretation of the meaning of “joining the Republic of Cameroun”, which at our request can be used as the basis for drawing up of the federal constitution. He said that if the United Nations accepts the interpretation as presented by us, the United Kingdom Government would have no objection to carry out the request of the people. According to the draft proposals, therefore the words “joining the Republic of Cameroun” means federating with the Republic of Cameroun in a new federation to be formed immediately after the plebiscite. In this federation the Republic of Cameroun and either the British Cameroons as a whole or the Southern Cameroons will enter as members on equal terms. It all depends on whether Northern Cameroons win at the plebiscite for unification or not.

United Kingdom Delegation made Proposals

(b) While in London we proposed that independence should first be granted to the Southern Cameroons immediately after the plebiscite. After the United Kamerun Federation should have been formed, we shall then transfer sovereignty to it as soon as practicable. The United Kingdom delegation did not feel that the United Nations would accept the grant of independence to the Southern Cameroons and then made their own proposal.

(c) The United Kingdom proposal says that if the plebiscite is won by the unificationists, the drawing up of the federal constitution should be started at once. During the period of drawing up of the constitution the British Government as the Administering Authority will continue to carry out their responsibility to the territory under the terms of the Trusteeship Agreement. The Committee to draw up the constitution will be made up of representatives of all the territories concerned; the United Nations and the British Government will be represented to give advice as experts. The time for the termination of the Trusteeship will be determined by the United Nations after consultation with us.

(d) The Government Party in the Southern Cameroons will now consult with the Government of the Republic of Cameroun which of these two propositions for unification is more suitable, and to recommend it to the United Nations. In this meeting we will endeavour to meet the representatives of Northern Cameroons so we can sign a joint agreement on this matter. The matter is most urgent as we must keep the United Nations informed in time in order to receive their approval. I therefore wish to impress upon all lovers of the formation of a Kamerun Nation to be devoted to the K.N.D.P. as the only means to achieve this aim.

The Colonial Secretary took Note of all Requests

(2) As regards the request for a block grant of 14 million pounds for development, the establishment of an indigenous military force for the Southern Cameroons, and certain constitutional changes, the Colonial Secretary said that he had taken note of them but would not make any commitment.

For Free Circulation

VICTORIA, 24 NOVEMBER, 1960.

KEMCHA ADDRESSES STUDENTS OF AGRICULTURE

The Hon. P. M. Kencha, Minister of Natural Resources recently addressed students of Agriculture at Bambui while on tour of Bamenda. Following is the text of the Minister's address:-

In this Institute I understand there are 18 Field Overseers, 12 Agricultural Assistants and 5 private farmers-in-training. I therefore deem it necessary to see you on my way to Nkambe and Wum where I shall see both the local farmers and cattle graziers about the grazing problem.

The future expansion of Agriculture in the Territory lies in your hands. You are already aware of the Government's Cameroonisation Policy. It is difficult to Cameroonise and to expand the existing services at the same time. If you study hard and acquire the necessary techniques, then it will not be long before the Agricultural Department extends its services to more rural areas of this Territory.

In nearly every village there is a crying need for the services of Agricultural staff to give necessary advice. If we were able to get enough staff to meet the needs of farmers all over the territory, the revenue of the territory will certainly rise.

This territory is primarily an agricultural community, and the revenue to the territory will very much depend upon the development of the available natural resources – mainly agricultural production. At this juncture, I will briefly tell you what has been the revenue of this Territory from purely Agricultural Produce.

Timber: In 1958-59, a total of 86,982 tons of timber was exported; and this figure rose the following year to 119,946 tons. The Government revenue from timber is derived from two sources: (a) Forestry Fees and Royalties, and (b) Export Duty. The estimated combined revenue from these sources from 1958-59 and last year was £115,000 and £160,000 respectively.

Cocoa: The cocoa crop is handled by the Southern Cameroons Marketing Board. For the year 1958 and 1959 it was 5,747 and 6,370 tons respectively. The Government revenue from this crop is derived from (a) Sales tax,

and (b) Export Duty. For 1958-59 the combined revenue from these two sources was estimated at £154,000 and for the last financial year no less than £305,301 was actually collected.

[The Minister went on to given the revenue for the following crops during the same period.]

Palm Kernels: £43,980.

Palm Oil: £13,800 in 1958-59 and £60,316 for the year 1960.

Coffee: [figure lost]

Bananas: £258,013.

Rubber: £258,200.

Observation

One sees here a clear example of how democratic, open and accountable the Government of the Southern Cameroons was.

Chapter Thirteen

Declassified Secret Files: 1961

News Relay No. 19. Victoria, 4 January, 1961.

CIP and YOU on "The Future of the Southern Cameroons".

We all remember the story of the king who loved beautiful clothes. We remember also how he was approached by two strange men who promised to weave for him the kind of cloth no one had ever seen before, and how for days and weeks these men pretended they were weaving the cloth. Then came the day the king was to wear the regal gown made out of the cloth. But prior to all this excitement about the strange clothes, it was announced that the cloth could not be visible to foolish men. Fear of being called foolish prevented the king's officers and subjects from admitting that in fact they could see no cloth. And so the day came when the king wore the outspoke [sic] tailored gown and led a processional march round the town. Although the king was stark-naked yet everyone applauded him and exclaimed how beautiful the king looked in his new gown. A little boy, innocent in his curiosity, could not understand why the king was walking about naked, and started shouting, "ho, ho, the king, the king, look he is naked". It was then that the scales fell off the peoples' eyes, but the damage had been done and it was now too late to cover the king's nakedness.

I recall this story because people are saying that the CIP [Cameroons Indigenes Party] are late with their policy of "Independence for the SC (Southern Cameroons)" since there will be no third box at the plebiscite. But the CIP say that the only time it would be late to demand Independence would be after the plebiscite. Because after the plebiscite, it could either mean joining Nigeria or joining the CR (Cameroun Republic) and there will be no opportunity for anyone to demand a review of his or her decision. Foncha and his mean preach to the people about the wonderful constitution the CR will offer us if we join them. Yet up to now no one, even Foncha himself, has the inkiest idea of the type of constitution that is being offered us. This CR's constitution is like the strange cloth in the story above. We are told that the constitution is there but only those who are 'Wise' can see it. Some people, therefore, who do not want to be called foolish have applauded the invisible constitution and spoken charmingly about it. We who are "Foolish" fail to see the constitution and

we point out to our supporters that in fact there is no constitution. It is a “Naked” constitution according to the story just related, a constitution you can see through. The nakedness of the constitution is confirmed by Foncha himself when he calls it “Draft Proposals”. I call it “Draft Proposals” because a constitution is a document [Page 2 of this two-page document lost].

KAMERUN TIMES

Vol. 1 No. 6 Victoria Saturday 14 January 1961 Two pence

UNITED KAMERUN: K.N.D.P. Constitutional Proposals on Unification Out

On the 11th February a plebiscite will be conducted in the Southern and Northern Cameroons to decide the political future of these territories when the people will be asked to choose to achieve independence by joining the independent Federation of Nigeria or by joining the independent Republic of Cameroun. The first alternative is championed by the C.P.N.C. and the second alternative (joining the Republic of Cameroun) is advocated by the K.N.D.P.

On 17th October, 1960, in a joint communiqué issued by the President and Prime Minister of the Republic of Cameroun and Mr. Foncha, the Premier of the Southern Cameroons in his capacity as leader of the Government party, the following outline proposals for a draft constitution were made. The unified territories of Cameroon should be a Federal Sovereign State outside the British Commonwealth and the French Community; that the unification of all territories on a federal basis must be adapted to the varying conditions of all sections of the Cameroon; that the Federation shall be democratic, and freedom of worship, speech, the press and of movement shall be guaranteed in as far as these rights are exercised within the laws of the Federation; that the Federation shall have a common motto, national anthem and national flag; that all indigenous people in all the states shall have a Federal Citizenship in addition to State Citizenship.

On the 6th December, 1960, a further communiqué issued by the President of the Republic of the Cameroun and the premier of the Southern Cameroons stated that immediately after the plebiscite, if the vote goes

in favour of unification, a conference shall be held with representatives from the Southern Cameroons, the Republic of Cameroun, as well as from the Northern Cameroons; that this conference in which representatives from the U.N.O. and the Administering Authority will take part shall have to determine the period and terms of the transfer of sovereignty to a body representing the future Federation.

Today we publish extracts from a statement by the K.N.D.P. on the constitutional position of the Southern Cameroons in the event of the territory voting to join the Cameroun Republic.

Territories Forming the Federation

The federation will be known as the United Kamerun Republic (U.K.R.) and would consist of the state of the Republic of Cameroun, the state of Southern Cameroons. When the Northern Cameroons under United Kingdom Trusteeship joins the Republic of Cameroun it will be a separate state to be known as the state of Northern Cameroons.

The Federation and each of its component states would be a Parliamentary Democracy with a Council of Ministers responsible to the Legislature and with a President (in the case of the Federation) and a Governor (in the case of a state) functioning as head of state.

Federal Structure

The Federal Legislature would consist of a National Assembly which shall be elected by universal adult suffrage, from single member constituencies. The number of representatives from each state shall be proportional to its population. The Senate (Upper House) shall consist of an equal number of Senators from each state nominated by the State Governments. There shall be a President of the United Kamerun Republic who shall be the Head of the Federal State. There shall be a Federal Council of Ministers which will consist of a Prime Minister who will be appointed by the President.

SOUTHERN CAMEROONS PLEBISCITE, 1961

THE TWO ALTERNATIVES

Printed by Authority

THE CONSTITUTIONAL ARRANGEMENT FOR THE IMPLEMENTATION OF THE DECISION AT THE PLEBISCITE

INTRODUCTION

The United Nations General Assembly after hearing the statement made by the representative of the Administering Authority, by the Premier of the Southern Cameroons and by the Leader of the Opposition in the Southern Cameroons House of Assembly, by Resolution 1352 (XIV) of 16th October, 1959, decided that arrangements should be made for a plebiscite to be held in the Southern Cameroons and that the two questions to be put at the plebiscite should be:-

- (a) Do you wish to achieve independence by joining the independent Federation of Nigeria?
- (b) Do you wish to achieve independence by joining the independent Republic of Cameroun?

On 31st May, 1960, the United Nations Trusteeship Council, by Resolution 2013 (XXVI), requested the Administering Authority to take steps, in consultation with the Authorities concerned, to ensure that the people of the Territory are fully informed, before the plebiscite, of the constitutional arrangements which would have to be made, at the appropriate time, for the implementation of the decision at the plebiscite.

This booklet is being produced in pursuance of the Trusteeship Council Resolution referred to above and will be used to explain to the public of the Southern Cameroons the constitutional implications of the two plebiscite choices.

The implications of joining the Federation of Nigeria have been made clear in undertakings given by Nigerian Ministers. Trusteeship would be terminated at an early date and the Southern Cameroons would join the Federation with the status of a full self-governing Region equal in all respects with the other Regions in an independent Nigeria. The Federation of Nigeria already has a constitution which provides for regional Governments and it is, therefore, possible to set to in detail the

constitutional arrangements that would be made if the plebiscite decision is in favour of the first alternative: these arrangements will be found on page 7 to 12 below.

Insofar as the implications of joining the independent Republic of Cameroun are concerned, Mr. Foncha, in his capacity as leader of the political party advocating joining the independent Republic of Cameroun, has consulted directly with the President of the Republic of the Cameroun on the terms upon which the Southern Cameroons might be united with the Republic if the result of the plebiscite should be in favour of such a course. Her Majesty's Government, as Administering Authority, have on several occasions enjoined upon those concerned the need for clarification of these terms. A number of meetings have taken place in Yaounde, Douala and Buea at which Mr. Foncha and his colleagues have discussed this question with President Ahidjo and members of his Government. These meetings have resulted in two joint communiqués which are reproduced in full at page 13 to 15, and which the Government of the Republic of Cameroun, response to a formal request by Her Majesty's Government have authorized for publication.

In November, 1960, the Secretary of State for the Colonies (Mr. Iain Macleod) received, at the request of Mr. Foncha, a delegation representing the government and other parties in the Southern Cameroons. The main matter discussed at the talks was the implication of the second choice in the plebiscite. The Secretary of State said that in the view of Her Majesty's Government, the United Nations in adopting the two alternatives of joining Nigeria or the Cameroun Republic, clearly ruled out a period of continuing Trusteeship or separate independence for the Southern Cameroons. In Her Majesty's Government's view, therefore, if the plebiscite goes in favour of the Cameroun Republic, arrangements would have to be made for the early termination of Trusteeship. The Secretary of State had noted that the premier of the Southern Cameroons had ascertained from the President of the Cameroun Republic that a federal form of constitution would be acceptable. The following interpretation was proposed as being consistent with the second question, it being understood that the association of the United Nations with the post-plebiscite conference mentioned in the text below would be subject to its agreement:-

“A vote for attaining independence by joining the Republic would mean that, by an early date to be decided by the United Nations after consultations with the Government of the Southern Cameroons, the Cameroun Republic and the United Kingdom as

Administering Authority, the Southern Cameroons and the Cameroun Republic would unite in a Federal United Cameroun Republic. The arrangements would be worked out after the plebiscite by a conference consisting of representative delegations of equal status from the Republic and the Southern Cameroons. The United Nations and the United Kingdom would also be associated with this conference. During the short period while the arrangements for transfer were being made the United Kingdom would of course be ready to continue to fulfil the responsibilities under the Trusteeship Agreement.”

The President of the Republic of Cameroun and Mr. Foncha have endorsed the interpretation of the second plebiscite question set out above in terms of the communiqué quoted on page 15.

The Republic of Cameroun at the present time has a unitary form of constitution. A federal form of constitution, the Federal United Republic of Cameroun would be drawn up after the plebiscite and when it is known what states will form the Federation. The communiqués quoted in pages 13 and 15 set out in outline the terms and conditions, as agreed by Mr. Foncha and President Ahidjo and endorsed by the Government of the republic of Cameroun, upon which the Southern Cameroons would join the Republic in the event of the vote in the plebiscite being in favour of such a course.

It would be observed from a study of the statements on page 13 to 15 that there are a number of matters, arrangements for which would fall to be made after the plebiscite.

In the arrangements which have been made for the plebiscite, GREEN is the colour which has been allocated to the first alternative on which a vote can be cast, namely, for achieving independence by joining the independent Federation of Nigeria; and WHITE is the colour which has been allocated to the second alternative on which a vote can be cast, namely for achieving independence by joining the independent Republic of Cameroun. The ballot boxes to be used in the plebiscite will be painted GREEN and WHITE respectively.

The day fixed for the plebiscite is Saturday, 11th February, 1961.

CONSTITUTIONAL POSITION OF THE SOUTHERN CAMEROONS IN THE EVENT OF IT ELECTING TO BECOME A PART OF THE FEDERATION OF NIGERIA

I

Undertaking of the Nigerian Government

In paragraph 70 of the Report of the Resumed Nigeria Constitutional Conference held in London in 1958 it was stated:

“The Conference confirmed that, if this proved to the wish of the people of the Territory, Nigeria would welcome the Southern Cameroons as part of the Federation with the status of a full self-governing Region equal in all respects with the other Regions in an independent Nigeria.”

This was confirmed at the Constitutional discussions between Nigerian Ministers and Ministers of the United Kingdom which were held in London in May, 1960. In the full communiqué issued after these discussions it was stated:

“There was an exchange of views on the Cameroons under British Trusteeship which in accordance with the resolution of the United Nations would be separated from Nigeria when Nigeria became independent. It was noted that the questions in the plebiscites to hold early in 1961 posed a choice between joining Nigeria or joining the Republic of Cameroun. It was agreed that if the Southern Cameroons joined Nigeria it would, as stated in paragraph 70 of the 1958 Conference report, be with the status of a full self-governing Region equal in respects with the other Regions. It was hoped to ascertain from the Government of the Republic of the Cameroun the terms on which the Northern and/or Southern Cameroons would enter the Republic.”

II

The Federation of Nigeria would consist of the Regions of Northern Nigeria (including the Northern Cameroons if it decided to join the Federation), Western Nigeria, Eastern Nigeria, the Federal Territory of Lagos and the Region of the Southern Cameroons.

The Federation and each of its component Regions is a parliamentary democracy with ministerial council responsible to the legislatures and with a Governor-General (in the case of the Federation) or Governor (in the case of a Region) as Her Majesty's Representative.

III

Federal Structure

The Federal Parliament consists of a Senate and a House of Representatives. The Senate consists of twelve senators from each Region, four from the Federal Territory of Lagos and four nominated by the Governor-General on the advice of the Federal Prime Minister. The Southern Cameroons would thus have twelve senators. The House of Representatives would consist of 320 directly elected members (including the Northern Cameroons if it decided to join the Federation) the number of members from each region being based on the proportion the population of that Region bears to the total population of the Federation. On this basis the Southern Cameroons would have eight members in the Federal House of Representatives.

The Governor-General appoints as prime Minister of the Federation a member of the House of Representatives who appears likely to command the support of a majority of the members of that House. The other ministers are appointed in accordance with the advice of the Prime Minister from among the members of the Senate and House of representatives.

The principal matters in which only the Federal Parliament can legislate (i.e. reserved *exclusively* to it) include:

Aviation and meteorology

External borrowing, currency and coinage, exchange control

Control of Capital issues

Copyright

Customs and excise, including export duties

Defence and Police (other than local government police)

Certain Higher Educational Institutions

External Affairs

External trade

Immigration and emigration

Incorporation and regulation of companies

Insurance (other than purely intra-regional)

Shipping and navigation

Mines and minerals, including oil and natural gas

Naval, military and air forces

Nuclear energy

Patents and trademarks

Posts, telegraphs and telephones

Railways

Trunk roads
Company taxes and sales taxes
Wireless broadcasting and television

In certain matters the Federal and Regional legislatures have *concurrent* authority, i.e., they have equal right to initiate legislation, but if a Regional law is inconsistent with a Federal law the Regional law is void to the extent of the inconsistency. The principal concurrent subjects include:

Antiquities
Arms and ammunition
Bankruptcy
Census
Commercial and industrial monopolies, combines and trusts
Higher Education (other than the institutions in the exclusive list)
Industrial development
Labour, industrial relations
National monuments and parks
Prisons
Professional qualifications
Public safety and public order
Scientific and industrial research
Surveys and statistics
Tourism
Traffic on Federal trunk roads
Water power

All *residual* matters, i.e., those which are not specified as exclusive or concurrent, would come within the sole authority of the Southern Cameroons Government.

The Federal Supreme Court is the court of appeal from the Higher Courts of the Regions and Lagos. It has no original jurisdiction except in disputes between the Federation and a region or between Regions, and in questions as to the interpretation of the Federal and regional Constitutions.

IV

Regional Structure

If the Southern Cameroons elected to join the Federation of Nigeria it would become a full self-governing Region within the Federation in all respects equal to and having the same powers as the other Regions. In particular, it would have:

- (a) A Governor, who, as Her Majesty's Representative, would be bound to act in accordance with the advice of his ministers except in respect of a limited number of topics, e.g. dissolution of parliament, appointment of the Premier.
- (b) A legislature consisting of a House of Assembly elected by universal adult suffrage and a House of Chiefs containing not less than eighteen chiefs selected in accordance with special regulations. The power of the legislature to make laws would be exercised by bills passed by both Houses. A bill (other than a money bill, i.e., one involving financial matters) may originate in either House, but a money bill may originate only in the House of Assembly. The House of Chiefs would have a delaying power only. The legislature would be empowered to legislate on all concurrent matters and on all matters not specified as concurrent or exclusive. These residual subjects would include primary and secondary education, agriculture, forestry, veterinary service, co-operatives, local government, land, medical services, administration of justice and roads (other than Federal trunk roads). The legislature would be empowered to pass its own budget and to raise revenue for all matters within its competence.
- (c) An Executive Council consisting of a Premier appointed by the Governor and other ministers appointed on the recommendation of the Premier. The Premier would be the person who appeared likely to command a majority among the members of the House of Assembly. The Premier and other ministers would be members of the House of Assembly but at least two of the Ministers would be members of the House of Chiefs. The executive Council would be responsible for the executive government of the Southern Cameroons.
- (d) A High Court of the Southern Cameroons with full jurisdiction in civil and criminal matters. The Southern Cameroons would also have its own system of Magistrates Courts and Customary Courts.
- (e) A Southern Cameroons Public Service, distinct and separate from the other public services in the Federation. The Public Service would be controlled by a Southern Cameroons Public Service Commission responsible to the Southern Cameroons Government and pensions of retired officers of this Public Service would be a charge on Southern Cameroons funds.

The Southern Cameroons Government would advance to the status of a full self-governing Region in a sovereign Federation equal in all respects with the other regions and its government would consequently be supreme

in all matters within its competence. The Federal Government would have no overriding powers in such matters, except that if the Federal Government and the Southern Cameroons Government were both to legislate on a subject in the concurrent list the Federal law would, in the event of inconsistency, prevail.

V

The following are the provisions for the amendment of the Constitution:

(a) Federal Constitution:-

- (i) Entrenched provision: amendment requires a two-thirds majority of all the members in each House of the Federal Parliament and the concurrence, by simple majority, of each House of the Legislatures of at least two regions. (The entrenched provisions include such matters as human rights, the operation of regional constitutions, the Federal parliament and its exercise of legislative powers, the Executive's powers, judicial and police affairs, public funds, the public service and the Exclusive and Concurrent legislative lists).
- (ii) Ordinary provisions: amendment requires a two-thirds majority of all members of each House of the Federal Parliament

(b) Southern Cameroons (Regional) Constitution – Amendment would require a two-thirds majority of each House and, in the case of entrenched provisions, would also require the concurrence of the Federal Parliament.

VI

Miscellaneous Provisions

Arrangements in respect of the following subjects would be broadly on the same lines as those obtaining before October 1st 1960:

Defence National defence is assured by the Federal armed forces recruited from all parts of the Federation, which would include the Southern Cameroons.

Police The Federation is policed by a Federal police force recruited from all parts of the Federation, which would include the Southern Cameroons.

Local Government would continue as at present.

Legal System would continue as at present. There would be magistrates' and customary courts and a High Court presided over by a Chief Justice. Appeals from the High Court would be heard by the Federal Supreme

Court which would hold sessions as necessary in the Southern Cameroons. Appeals from the Federal Supreme Court would go to the Judicial Committee of the Privy Council.

Currency The present currency would continue to be used.

Education The following higher education institutions are a Federal responsibility:

The University College at Ibadan

The University College Teaching Hospital

The Nigerian College of Arts, Science and Technology

The West African Institute of Social and Economic Research

The Pharmacy School at Yaba

The Forestry School at Ibadan

The Veterinary School at Vom

Other higher education is a concurrent responsibility and the Southern Cameroons would consequently be able to found institutions for higher education itself; the remainder of educational matters is an entirely Regional responsibility.

Official Language The language of the legislature, the Courts and the administration would be the English language.

Position of Native Rulers Chief recognised by native law and custom as the traditional rulers would be recognized by the Federal and Regional Governments as provided by existing legislation and their representation secured in the House of Chiefs.

Federal Public Service The Federal Public Service is open to citizens of all regions, which would include the Southern Cameroons. There are the present time thirty-eight Departments and services staffed by members of the Federal Public Service, opportunities for advancement in which are equal for all members whatever their region of origin. The pensions of Federal officers are a charge on Federal Funds.

Internal Tariffs There would be no internal tariffs (i.e., duties on the internal movement of goods) and internal trade would be free.

Revenue Federal revenue is raised principally from the proceeds of Customs and excise, import and export duties, and sale taxes on certain commodities. Part of this revenue goes into a pool of funds which is shared on an agreed basis amongst all the Regions, which would include the Southern Cameroons. Regional taxes are collected in such a manner as the legislature may provide, e.g., Income Tax, direct taxation.

Membership of the British Commonwealth The Federal is a sovereign independent member of the Commonwealth and by joining the Federation the Southern Cameroons would enjoy all the benefits of membership of the Commonwealth; being entitled among other things to the preferential treatment of its exports as at present enjoyed and to other sources of aid available to Commonwealth members.

Roads Trunk roads and the expansion of trunk roads (but not the traffic on them) would be an exclusively Federal responsibility to be paid for out of federal funds. Other roads would be constructed and maintained from regional funds.

Human Rights Fundamental human rights (such as protection against deprivation of life and liberty, freedom from discrimination, freedom of conscience, expression and movement, the right of recourse to the courts and of a fair hearing) are written into the Federal Constitution and laws which contravene them will not be enforced by the courts. All these constitutional provisions covering fundamental rights are entrenched.

CONSTITUTIONAL POSITION OF THE SOUTHERN CAMEROONS IN THE EVENT OF IT ELECTING TO BECOME A PART OF THE REPUBLIC OF CAMEROON

COMMUNIQUE

CONSIDERING that in the application of the Republic at the 14th Session of the United Nations a plebiscite is to be organized in February 1961 to allow the people of the Southern Cameroons under British Trusteeship and the people of the Northern Cameroons under British Trusteeship to declare whether they wish to join the Federation of Nigeria or to be united with the Cameroun Republic,

CONSIDERING that in the event of the result of this plebiscite being in favour of Reunification the application of this reunification on a federal basis allowing for the particular conditions of each group, could not be automatic but gradual,

CONSIDERING that the representatives of the Cameroun Republic and the Government Party of the Southern Cameroons vigorously reaffirm the desire of their peoples to be reunited in one Nation,

CONSIDERING that the political heads have already met twice to examine the broad outlines of the Constitution of the two Federated States, they have, at the conclusion of their third meeting of the 10, 11,

12 and 13th October, 1960, decided to adopt the broad outlines of the Constitution which they will adopt in the event of the plebiscite vote being favourable to them.

JOINT DECLARATION

The representatives of the Cameroun Republic and the Government Party of the Southern Cameroons under British Trusteeship met for the third time to continue their discussions of the projected Constitution which would govern the reunified Cameroon.

At the end of these talks, the Hon. J. N. Foncha, Prime Minister of the Southern Cameroons, His Excellency M. Ahmadou Ahidjo, President of the Cameroun Republic, and M. Charles Assale, Prime Minister and Head of the Cameroun Government, **state:**

That they wish to use every available means to bring to a successful conclusion the task of national reunification which they have set themselves;

That in no case will the United Cameroun be a part either of the French Community or of the British Commonwealth;

That they wish to create a Federal State whose institutions could be broadly outlined as follows:

The Federal United Cameroun Republic will be a democratic state. It will have its motto, its anthem and its flag. The nationals of the federated states will enjoy Camerounian nationality. The Federal State in the first stage will have power to deal with matters listed below as a minimum:

Public freedoms

Nationality

National defence

Foreign affairs

Higher education

Immigration and emigration

Federal budget

Posts and telecommunications

A list of powers which will fall within the competence of the Federal Government in the second stage will be set out in the Constitution.

The Federal Authorities will be composed of:

A Federal executive headed by the President of the Republic, Chief of the Federal State,

Federal legislature consisting of a Federal Legislative Assembly and a Federal Senate.

Certain federal laws will only be enacted in such a way that no measures contrary to the interest of one State will be imposed upon it by the majority (system of second reading with a qualified majority).

In the event of a conflict of laws between the Federal State and the Federated States, the Federal law will prevail

In non-federal matters, the Authorities of each of the Federated States will have exclusive competence.

Each of the Federated states will be ruled by a Government and will have a Legislative Assembly.

A Federal Court of Justice will have as its purpose to unify judicial systems and to act as the Highest Court of Appeal of the Federal State.

Federal services will be established to carry out federal administration.

Legislation (or systems of legislation in force) will remain valid until the enactment of federal legislation.

4 The Federation will be created by the Cameroun Republic and the Southern Cameroons under British Trusteeship. The two parties hope that the Northern Cameroons under British Trustee-ship will also enter into this federation, either as a separate State, or as a part of the Cameroons at present under British Trusteeship.

5 In the event of the Southern and Northern Cameroons voting in favour of reunification, those entrusted with the responsibilities of the affairs of the Unified Cameroons would, through mutual agreement, specify the manner in which the populations of the Cameroons would be asked to express their opinion on the Federal Constitution.

JOINT COMMUNIQUE

The representatives of the government party of the Southern Cameroons under British Trusteeship, led by the Hon. J. N. FONCHA, Prime Minister, on their return from London where they had talks with the United Kingdom Minister for the Colonies on the future of their territory, had on the 1st and 2nd December a fourth meeting with a delegation of the Cameroun Republic, led by the President of the Republic, Ahmadou AHIDJO.

The two parties were in full agreement;

1. That the United Nations General Assembly has stated with clarity the two questions which will be put at the time of the plebiscite on the 11th February, 1961, i.e.,

- (a) Do you wish to attain independence by Unification with the independent Federation of Nigeria; or
- (b) Do you wish to attain independence by Unification with the independent Cameroun Republic.

2. That the two delegations while in agreement with the interpretation of the second question which was accepted in London, regret that the representatives of the Northern Cameroons were not present at this Conference and ask:

- (a) That immediately after the plebiscite and in the event of the people voting in favour of unification with the Cameroun Republic, a Conference should be held attended by representatives of the Cameroun republic and the Southern and Northern Cameroons.
- (b) That this Conference, at which representatives of the Trusteeship Authority and possibly those of the United Nations would be present, would have as its aim the fixing of time limits and conditions for the transfer of sovereign powers to an organization representing the future Federation.

Signed FONCHA Signed AHIDJO

PLEBISCITE MESSAGE

TO ALL VOTERS OF THE CAMEROONS

Issued by the Strategic Committee of the CPNC at Buea

Price: 3d

PREFACE

YOU MUST VOTE FOR UNION WITH NIGERIA

This is a message from the Cameroons People's National Convention to all voters in the plebiscite to be held in the Southern Cameroons on February 11 this year.

The CPNC, as you know, commands an equal number of elected representatives with the KNDP (13:13) in the Southern Cameroons House of Assembly, and has thousands of active supporters in all parts of the territory.

This message is intended to guide the 354,163 registered voters so that they would vote sensibly at the plebiscite.

Two questions will have to be answered, and each voter will have to vote for only ONE.

The CPNC stands for union with Nigeria and has chosen green for its symbol. All voters must put their cards in the GREEN BOX.

Green is a well-known colour – the colour of the leaves of all growing plants. Everyone knows this colour. Therefore no one should make a mistake.

When you enter the voting room, look for the GREEN BOX and put your card in the hole at the top.

This solemn message, printed and made available to all Cameroonians, is eternal evidence of the full note of WARNING that is being sounded in good time to all Cameroons people before they make their historic choice on February 11.

That day is a RED LETTER DAY in the history of our territory. Remember this as you go to the polls.

Africans will be called upon to choose the type of political system they will have. Millions of Africans in many parts of Africa – Kenya, the Central African Federation, South African and South West Africa, etc – long and pray for such an opportunity but have not been privileged to have it.

Cameroonians must therefore realize the weight of the decision they will be making on that day.

In the ensuing pages of this short pamphlet, the case for union with Nigeria has been put in clear, concise language.

Read it in your quiet moments. If you can't read, get a schoolboy or some other person to read and explain it to you. The sleep over the arguments raised in this pamphlet and wake up with a new resolution to vote for the right ideology.

PUT YOUR CARD IN THE GREEN BOX.

The Editor

VOTE FOR UNION WITH NIGERIA ...

There are ten main reasons why the CPNC is asking all the voters of the Southern Cameroons to vote for Union with Nigeria:

REASON NO.1

If we join Nigeria, we shall be a self-governing Region like the other three Regions in the Federation. We shall be equal to any one of the three Regions before the law of the land, and we shall be entitled to send the same number of Senators to Lagos like any of the three Regions of Nigeria. In other words, Southern Cameroons shall maintain its territorial identity within the Federation of Nigeria.

Cameroun Republic does not make the same provisions for joining her. There is no provision for a self-governing Southern Cameroons if we go to Yaounde. There is no Senate there, and in fact, no valid Federal Constitution between the Southern Cameroons and Cameroun Republic has been drawn up!

REASON NO. 2

If we join Nigeria, our House of Chiefs in the Southern Cameroons WILL NOT be abolished. It will remain and become even stronger than it is now. BUT if you vote for Cameroun Republic, you will endanger the interest of our Chiefs. Because there is no House of Chiefs in Cameroun Republic, and Mr. Ahidjo has made it clear to Mr. Foncha that he does not intend to create a House of Chiefs.

REASON NO. 3

Southern Cameroons at present has the same system of land ownership as in Nigeria where there are no European settlers. In the Cameroun Republic, the law permits Europeans to become SETTLERS and to acquire large acres of land for their plantations, leaving little or nothing for the natives.

If we vote for union with Nigeria, we shall continue to enjoy the excellent land tenure which protects the natives from becoming tenants on the farms of white settlers. We shall preserve our land for our own farmers, and we shall be free to plant our own cocoa, bananas and coffee.

If you vote for Cameroun Republic, your little farmland will be at the mercy of white Frenchmen. These Frenchmen are reliably understood to be planning to take over the CDC plantations in Victoria and Kumba Divisions and to stop the native banana trade.

REASON NO. 4

Everyone in Southern Cameroons is familiar with the money we spend. It is Nigerian Money. It is STEADY and STRONG. But anyone who has been to the Cameroun Republic will agree that their French money is very unsteady. Today you change £1 for one thousand dollars; tomorrow £1 will fetch you only six hundred dollars! And so on.

If you vote for union with Nigeria, we shall continue to enjoy their STRONG and STEADY money in our trade. But if you vote for Cameroun Republic, you shall be inviting their UNSTEADY money and you will at once that your bananas, your cocoa and your coffee will fetch you less than if it was bought with Nigerian money.

REASON NO. 5

Nearly everyone in the Southern Cameroons had heard of the word FREEDOM. Our association with Nigeria for nearly half a century has made us realize what it means to move about freely; to speak in public freely; to worship freely; to speak out our minds without fear of molestation. These freedoms, and many more, will continue to be ours if we vote for union with Nigeria.

But if you vote for Cameroun Republic, you will invite a new system under which everyone lives in fear of the Police and the Army. You will not be free to move about; you cannot lecture freely or discuss your political views in public; you must carry your tax receipt round your neck like a dog; and you can be arrested and flogged by the Police and even imprisoned without a fair trial!

The CPNC believes that all decent people in the Southern Cameroons who have tasted of freedom will be sensible enough to vote for union with Nigeria. Freedom is too sweet to be thrown away to the dogs.

REASON NO. 6

If we vote for union with Nigeria we shall continue to share the same judicial and legal systems. The laws will be the same. But if you vote for Cameroun Republic, confusion will immediately set in because British and French laws are NOT the same.

If we remain with Nigeria, we have the right of appeal to the Federal Supreme Court in Lagos, and from there to the Privy Council in London, which hears appeals from all Commonwealth countries. This system ensures that every case is given a fair trial.

But under the French system, you cannot have a fair trial. Anyone accused of an offence in the Cameroun Republic is man-handled and flogged and is generally treated as a guilty criminal. Even the most junior Policeman there seems to have the power of “life and death” over the common people! This is a bad system and must be rejected by the voters.

REASON NO. 7

Nigeria is a populous and rich country, made so by the joint efforts of Nigerians and Cameroonians working together for nearly half a Century. If our people vote for union with Nigeria, we shall continue to share in the prosperity and strength of the Federation of Nigeria. But a vote for the Cameroun Republic will be the signal for new economic troubles in the Southern Cameroons.

All attempts by Mr. Ahidjo to borrow money from the World Bank have met with failure. Mr. Ahidjo sent two Economic Missions to the World Bank, but he was refused the money he wanted.

Nigeria, on the other hand, has received substantial loans from the World Bank because Nigeria is respected abroad and she is credit-worthy.

REASON NO. 8

If you vote for union with Nigeria, the Southern Cameroons will enjoy true independence because Nigeria is truly independent.

If you vote for Cameroun Republic, you will forever fail to secure independence for the Southern Cameroons because Cameroun Republic is still a COLONY of France. French troops are still stationed in Douala and Yaounde. Mr. Ahidjo cannot drive them out even if he wanted to. These French troops are there for two reasons – to prevent Mr. Ahidjo’s government from being overthrown, and to protect the interests of the many thousands of French men who have settled there!

The CPNC maintains that it is no use for the Southern Cameroons to move from the British COLONY system to the French COLONY system. We must move into true independence with Nigeria.

REASON NO. 9

The KNDP, which is spearheading the movement for unification with the Cameroun Republic, is not even sincere to its own conscience. This is shown by the behaviour of Mr. Foncha and some leaders of the KNDP who, it has been noticed, are shamelessly receiving Mr. Ahidjo's financial assistance whilst at the same time they are bargaining with the UPC and other Opposition men from Duala (sic) and Nkong Samba (sic) to overthrow Mr. Ahidjo's Government, so they can take over!

The result of such double-face policy will be to drag the Southern Cameroons into a whirlpool of intrigues between Mr. Ahidjo's governing Coalition, and the Opposition parties there!

REASON NO. 10

The CPNC has complied with the United Nations plebiscite resolution by presenting to the people concrete Constitutional proposals under which union with Nigeria will be based. This Constitution was prepared in 1953, 1954, 1957 and 1958, and all shades of political opinion in both Nigeria and the Southern Cameroons took part in the discussions.

The KNDP, on the other hand, has until the moment of printing this pamphlet, FAILED to comply with the United Nations resolution and has therefore left the people completely uninformed of the exact Constitutional arrangements for union with the Cameroun Republic.

The effect of this KNDP failure will be that the United Nations will inevitably be constrained to regard all votes cast for the Cameroun republic at the plebiscite, as NULL AND VOID.

The only votes which will be counted as VALID are those cast for the CPNC ideology of union with Nigeria, because the CPNC has fulfilled the TERMS of the United Nations Resolution.

Voters are therefore warned not to waste their votes for the Cameroun Republic.

ALL VOTES MUST BE CAST FOR UNION WITH NIGERIA.

SUMMARY and CONCLUSION

Who amongst you would like to live in a country where your life and property are constantly in danger? Who amongst you, peaceful citizens of the Southern Cameroons, will like to live in a country where you may be shot at as you move along the street, or your wife killed as she toils on the farm?

Who amongst you would like to live in French Cameroons, a country red with the blood of thousands of innocent victims killed by terrorists and the Ahidjo regime?

Who amongst you, good citizens of the Southern Cameroons, will like to live in a land where people's houses and shops are burnt every day and looted; where you can be arrested without cause, beaten, searched and imprisoned without a fair trial?

Who amongst you will like to live in a country which lacks complete respect for human dignity and where you cannot speak out your mind freely or pursue your business in peace? Surely none of you.

Who amongst you will like your children to grow up in servitude? Surely none of you.

That is what will be our lot if we join French Cameroons. If you wish to save yourself from the aforementioned indignities make sure you vote for the Southern Cameroon to remain as it has been for the past forty years.

Cast your vote into the green box.

Plebiscite is not an election. In an election the results can be changed after a time by another election. The results of a plebiscite are binding on the nation for ever.

A vote for the green box will result in the Southern Cameroons remaining as it has been for the past 40 years. A vote for the white box will mean a complete change in our language, system of government and way of life. Progress will be stopped.

The association of the Southern Cameroons with Nigeria has been to the best interests of Cameroonians. The territory has advanced from a province in the Eastern region to a full self-governing Region, with a separate House of Assembly, Government and premier. A House of Chiefs has been established so that natural rulers share in the Government of their country.

In French Cameroons, there is no place for Chiefs. There is no House of Chiefs and no provision is made for a House of Chiefs in the Foncha/Ahdjo Plan. If you cast your vote in the white box you are working for the abolition of our House of Chiefs.

In the Southern Cameroons and Nigeria, political differences are settled by arguments and by the ballot box. In French Cameroons political differences are settled by gus and poison.

If you want to avert the impending confusion that will befall the Southern Cameroons, and if you want the territory to develop into a country where all will be fairly treated and adequately catered for; where there will be equal opportunities for everyone, irrespective of tribe, creed, race or political association, then cast your vote in the GREEN BOX during the plebiscite on February 11.

GOD BE WITH YOU.

Printed by *The Times* Press, Lagos.

2498/61

Observation

In relation to Cameroun Republic this document proved prophetic and the warnings it sounded prescient. Reading this document in 2010, that is, 48 years later, every single statement contained therein regarding (French) Cameroun Republic remains true and valid even to this day.

Victoria Southern Cameroons,
21st March, 1961.

From: The Chairman, Victoria Divisional Council,
Council Office, Victoria, Southern Cameroons.

To: The Secretary-General, United Nations Organisation,
Lake Success, New York, U.S.A.

Sir,

Southern Cameroons Plebiscite, February, 1961.

I am directed by the Victoria Divisional Council to refer to a memorandum presented by this Council to the last Visiting Mission of the United Nations to this territory, dated the 29th of October, 1958, and to reproduce hereunder a resolution adopted by a majority vote of this Council on March 3rd, 1961.

“THE VICTORIA DIVISIONAL COUNCIL;

Having discussed fully the circumstances surrounding the results of the recent Plebiscite in the Southern Cameroons, with particular reference to the Victoria Division – which has a very large stranger population (mostly from the Bamenda Area),

“Recalling its written representation to the last Visiting Mission to the Trust Territory of the Southern Cameroons dated October 29th, 1958, which made it clear, amongst other things, that the people of the Victoria Division, whom this Council represents, are determined to continue their association with the Federation of Nigeria,

“Convinced that all peoples of the world have an inalienable right to complete freedom and self determination and the exercise of sovereignty and the integrity of their areas,

“Having faith in the United Nations that, that august body would recognise the imperative need for adequate guarantees to ensure the successful and just implementation of the right of self-determination by all citizens of the world, irrespective of colour or racial origin,

“RESOLVES – with four abstentions – that the Plebiscite held in the Southern Cameroons on February 11th, 1961, be nullified because

- (a) The Administering Authority had failed, contrary to the terms of the United Nations Organisation resolution ordering the Plebiscite, to ensure that the people of the territory were fully informed, before the Plebiscite, of constitutional relations with the Cameroun Republic, and thus the great majority of the people, mostly in the grassland areas of the Southern Cameroons, voted blindly to the implications of the Plebiscite;
- (b) The so-called ‘enlightenment campaign’ decided upon by the Administering Authority was put in motion only a few weeks before the Plebiscite and could hardly have any appreciable effect on the outcome of the Plebiscite;
- (c) The grasslanders both in their own homes in the Bamenda Area and in the plantations on the coast voted on a tribal basis paying little or no regard to the merits of the constitutional arrangements proffered respectively by the Federation of Nigeria and the Cameroun Republic as recorded in the Administering Authority’s pamphlet entitled “THE TWO ALTERNATIVES”;
- (d) It is now an open secret in this territory that both the K.N.D.P. and O.K. had brought a large number of men and women from the Cameroun Republic to swell their votes, and that these thugs actually actually voted for the White Box at the Plebiscite”.

2. According to an editorial in the issue of the “Daily Telegraph” and “Morning Post” London, England of March 13th 1961, Mr. Dayal the United Nations Secretary-General’s Special Representative in the Congo, is reported to have recently stated, ‘inter alia’ “It is not for the United Nations to impose a solution in the Congo; that is up to the Congolese.” We, the indigenous people of the Victoria Division have clearly demonstrated by our vote at the Plebiscite that we wish to continue our association with the Federation of Nigeria as a full-fledged and self-governing Region in the Federation. Since the tribes in the Bamenda Division and their associates have opted blindly to join the Cameroun Republic we have decided to urge the United Nations Organisation to partition the territory conformable to the results of the Plebiscite. I have the honour to be,

Sir,

Your Most Obedient Servant

[Signed] Ikome
Chairman
Victoria Divisional Council

Our Ref.CCC/58
January 26th, 1961
Central President, CCC,
P.O. Box 36, Mamfe,
Southern Cameroons.

The Secretary General, United Nations, New York
Thro’ Dr. J. Abdoh, United Nations Plebiscite Commissioner, Buea.

THE PLEBISCITE HAS FAILED

Sir,

The Cameroons Commoners Congress (CCC) has observed the following discrepancies in the forthcoming Southern Cameroons plebiscite and makes some suggestions for presentation to the Trusteeship Council.

1. The majority of the people are under duress. The November 1960 London Talks between the Colonial Secretary and the Premier Southern Cameroons have revealed that more natives believe voting for the white box means S. Cameroons will break away from Nigeria in order to be a separate sovereign state. Very many villagers imagine this separate state to be called 'Cameroun Republic'. It has never occurred to both Mr. Foncha and his followers that voting for the white box means S. Cameroons has been swallowed up by Cameroun Republic Empire. This misunderstanding has since been referred to the General Assembly for a ruling. It has not come. Meanwhile, Mr. Foncha and his followers are still under the impression that if they put their ballot papers into the white box, they will have separate independence for about five years before joining the Republic.

Suggestion. As it is too late for the General Assembly to correct Mr. Foncha and his followers, the plebiscite should be nullified. The public should be sufficiently educated to know that there is no room for separate independence for S. Cameroons. The present House of Assembly should be dissolved and fresh elections held. During the campaigns three distinct policies should be put to the electorate by party groups.

- (1) The CPNC group should campaign for joining S. Cameroons with Nigeria.
- (2) The KNDP and OK party groups should campaign joining S. Cameroons with the Cameroun Republic.
- (3) The CCC, CIP and CUP party groups should campaign demanding full sovereignty for British Cameroons.

2. The Plebiscite is dishonourable. The Plebiscite has dishonoured the 1919 [sic] Trusteeship Agreement, Article 3, and the United Nations Charter, Article 76, which say our territory should be promoted "towards self-government or independence".

Suggestion. We know that this was not the fault of the General Assembly. It was the fault of the leaders in the present House of Assembly who never demanded separate independence for English Speaking Cameroons. The electorate have since lost confidence in this House and are only waiting for an opportunity to demonstrate their feelings. The House should be dissolved immediately after the plebiscite and a new government of the people by the people and for the people be elected into it. Such government would be more competent to deliver the goods to the outside world and would be the only RELIABLE body to endorse the results of the dubious plebiscite.

3. The Plebiscite is unpopular. Only a handful of people registered themselves for it. Figures placed before the public are that in 1953 Southern Cameroons numbered about 800,000 people and that in 1959 the number

increased to 1,570,000. Granting that the 1959 figure of 1,570,000 is correct and that only 234,163 people registered themselves for the plebiscite, we find that only 23% people have come forward to do the plebiscite. It is abundantly clear that this 23% people cannot decide the future of the territory.

Suggestion. We firmly believe that the 1953 and 1959 census have done no justice to the Cameroons population. Both census showed decreases in the population. A more accurate census should be conducted bearing the following facts in mind and trying to amend them. [Page 2 of this two-page document lost]

HOUSE OF COMMONS

* 21 Mr. A . Creech Jones (Wakefield): To ask the Secretary of State for the Colonies, if he will now state what arrangements are being made for the transfer of the Southern Cameroons to the Cameroun Republic; what form of government will be adopted for the Cameroons; what economic and fiscal arrangements will operate after the transfer; what provision is being made for the existing administrative and technical staffs and the administrative framework of the Southern Cameroons; and whether the aid of the Colonial Development and Welfare and Colonial Development Corporation will come to an end.

Tues 2.5.61

A draft reply to this P.Q. [Parliamentary Question] is required to reach the Private Office not later than Friday 28.5.61 but it should be sent forwarded as quickly as possible at every stage no matter how long the notice given. (See Sect. 11.J. 1(a) of Code of Procedure, Part II).

REPLY

FOR TUESDAY, 2ND MAY, 1961.

57. Mr. A. CREECH JONES, - To ask the Secretary of State for the Colonies, if he will now state what arrangements are being made for the transfer of the Southern Cameroons to the Cameroun Republic; what form of government will be adopted for the Cameroons; what economic and fiscal arrangements will operate after the transfer; what provision is being made for the existing administrative and technical staffs and the administrative framework of the Southern Cameroons; and whether the aid of the Colonial Development and Welfare and Colonial Development Corporation will come to an end.

ANSWER

Mr. FRASER: In accordance with the recent U.N. Resolution there will have to be discussions between the United Kingdom as Administering Authority, the Cameroun Republic and the Southern Cameroons to settle the arrangements for unification. The two countries intend to join in a Federation but the detailed constitutional, economic and fiscal arrangements and the administrative framework have yet to be worked out. Colonial Development and Welfare assistance will cease because the Southern Cameroons as part of a foreign country would not be eligible for it. While the C.D.C. will not be able to undertake new schemes there, it will be able to continue its planned investment in the Cameroons Development Corporation.

UN DOC. A/C.4/L/685. GAOR. 15TH SESSION. 1961. ANNEXES.
AGENDA ITEM 13

RECOMMENDATION OF THE FOURTH COMMITTEE

The Fourth Committee recommends to the General Assembly the adoption of the following draft resolution:

THE FUTURE OF THE CAMEROONS UNDER UNITED
KINGDOM ADMINISTRATION

The General Assembly

Recalling its resolution 1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration which recommended, *inter alia*, that the Administering Authority takes steps, in consultation with the United Nations Plebiscite Commissioner, to organize under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future, and that the plebiscite in the Northern Cameroons be held about the middle of November 1959 on the basis of the two questions set out in paragraph 2 of the said resolution.

Recalling its resolution 1352 (XIV) of 16 October 1959 whereby it decided, *inter alia*, that a plebiscite in the Southern Cameroons be held between 30 September 1960 and March 1961, on the basis of the two questions set forth in paragraph 2 of the said resolution.

Recalling further its resolution 1473 (XIV) of 12 December 1959 in which the Assembly, having considered the results of the plebiscite in the northern part of the Cameroons under United Kingdom administration, recommended the organization by the Administering Authority, in consultation with the United Nations Plebiscite Commissioner, of a further plebiscite to be held in the Northern Cameroons under United Nations supervision between 30 September 1960 and March 1961, on the basis of the two questions defined in paragraph 3 of the said resolution.

Having examined the report of the United Nations Plebiscite Commissioner concerning the two plebiscites held in the Northern and the Southern Cameroons in February 1961 (A/4727) and the Report of the Trusteeship Council thereto (A/4726).

Having heard the petitioners,

1. *Expresses its high appreciation* of the work of the United Nations Plebiscite Commissioner and his staff;
2. *Endorses* the results of the plebiscites that:
 - (a) The people of the Northern Cameroons have, by a substantial majority, decided to achieve independence by joining the independent Federation of Nigeria;
 - (b) The people of the Southern Cameroons have similarly decided to achieve independence by joining the independent Republic of Cameroun;
3. *Considers* that, the people of the two parts of the Trust Territory having freely and secretly expressed their wishes with regard to their respective futures in accordance with General Assembly resolution 1352 (XIV) and 1473 (XIV), the decisions made by them through democratic processes under the supervision of the United Nations should be immediately implemented;
4. *Decides* that, the plebiscites having been taken separately with differing results, the Trusteeship Agreement of 13 December 1946 concerning the Cameroons under United Kingdom administration shall be terminated, in

accordance with Article 76 b of the Charter of the United Nations and in agreement with the Administering Authority, in the following manner:

- (a) With respect to the Northern Cameroons, on 1 June 1961, upon its joining the Federation of Nigeria as a separate province of the Northern Region of Nigeria;
- (b) With respect to the Southern Cameroons, on 1 October 1961, upon its joining the Republic of Cameroun;

5. *Invites* the Administering Authority, the Government of the Southern Cameroons and the Republic of Cameroun to initiate urgent discussions with a view to finalizing, before 1 October 1961, the arrangements by which the agreed and declared policies of the concerned parties for a union of the Southern Cameroons with the Republic of Cameroun into a Federal United Cameroun Republic will be implemented;

6. *Appoints* a Commission of three constitutional and administrative experts to be nominated one each by three Member States designated by the General Assembly to assist at the request of the parties concerned in the discussions referred to in paragraph 5 above.

Observation

In the resolution that was eventually adopted by the General Assembly paragraphs 5 and 6 of this recommended draft resolution by the Fourth Committee were revisited by the Assembly at the expense of the Southern Cameroons. Paragraph 6 was removed altogether and paragraph 5 was modified by the removal of the following group of words “for a union of the Southern Cameroons with the Republic of Cameroun into a Federal United Cameroun Republic”.

ADOPTION BY THE FOURTH COMMITTEE OF PROPOSED DRAFT RESOLUTION A/C.4/L685

The formula of the resolution is proposed by Mr. J.G. Jha, assisted by Krisna Menon of India

The Draft Resolution A/C. 4/L 685 is proposed on 18 April 1961.

UN General Assembly : 15th Session. 1961.

Chairman: Adam Pachachi (IRAQ)

Vice Chairman: Miss Silvia Shelton Vilallon (CUBA) Rapporteur : Eamon L. Kennedy (Ireland)

ITEM 13 OF THE 15TH SESSION

The question of the future of the Trust Territory of the Cameroons under United Kingdom Administration: vote and adoption of the Draft Resolution A/C 4/L685 and Resolution 1608-

XV on the abrogation of the Trusteeship Agreement document No A/151/REV2 of December, 1946.

Wednesday. 19th APRIL 1961 - 115 2nd MEETING - 3.15 PM.

I - The Chairman put to vote the section of sentence "1st October 1961" which is in alinea b of paragraph 4 of the Draft Resolution A/C4/1/L685 as the date of the abrogation of the Trusteeship Agreement.

The Chairman proceeded by calling Member States' names in alphabetical order; the call started with Austria, whose name is drawn from lots by the chairman.

Those who voted "YES":

Afghanistan - Albania - Australia - Bielorussia - Bolivia - Bulgaria - Burma - Canada -Ceylon - Chile - Costa Rica - Cuba - Cyprus - Denmark- Dominican Republic - Ethiopia -Finland - Ghana - Honduras - Hungaria - Iran- Iraq- Ireland -Japan - Jordan- Lebanon - Lybia - Mali- Mexico - Nepal- New Zealand - Nigeria - Norway - Pakistan - Philippines - Poland -Saudi Arabia - Sudan - Sweden - Thailand - Tunisia - Turkey - Ukrainia - Union of South Africa- Union of Soviet Socialist Republic - United States of America - United Kingdom of Great Britain and Northern Ireland - Venezuela - Yemen-

Those who voted "NO": Luxembourg - Paraguay.

Those who abstained:

Portugal - Spain - Togo - Argentina - Brazil - Cambodia - Greece - Haiti - Italy. She did not vote: China.

By 50 "YES" votes, 2 "NO" votes and "9 abstentions" the first "1st October 1961" is adopted as the date of the abrogation of the Trusteeship Agreement.

II- The Chairman put to vote the section of the sentence “1st October 1961” which is in paragraph 5 of the draft resolution A/C. 4/L685 as the date of the formation of the Federal United Republic of Cameroon.

The Chairman proceeded by calling member states names in alphabetical order; the call started with Austria whose name is drawn from lots by the chairman.

Those who voted “YES”:

Afghanistan - Albania - Australia - Bielorussia - Bolivia - Bulgaria - Birma - Canada -Ceylon - Chile - Costa Rica - Cuba - Cyprus - Denmark- Dominican Republic - Ethiopia -Finland - Ghana - Honduras - Hungaria - Iran- Iraq- Ireland -Japan - Jordan- Lebanon - Lybia - Mali- Mexico - Nepal - New Zealand - Nigeria - Norway - Pakistan - Philippines - Poland -Saudi Arabia - Sudan - Sweden - Thailand - Tunisia - Turkey - Ukrainia - Union of South Africa- Union of Soviet Socialist Republic - United States of America - United Kingdom of Great Britain and Northern Ireland - Venezuela – Yemen.

Those who voted “NO”: Luxembourg - Paraguay.

Those who abstained:

Portugal- Spain - Togo - Argentina - Brazil- Cambodia - Greece - Haiti - Italy. She did not vote : China.

By 50 “YES” votes, 2 “NO” votes and “9 abstentions” the Second “1 st October 1961” is adopted as the date of the formation of the Federal United Republic of Cameroon.

III - The Chairman put to vote the section of the sentence:

“In a Federal United Republic of Cameroons” which is in paragraph 5 of the Draft Resolution A/C 4/L685 as the form of the union between the Southern Cameroons and Cameroun Republic. The Chairman proceeded by calling the names of each member state with Australia whose name is drawn from the lots.

Those who voted “YES”:

Burma - Costa Rica - Cuba - Cyprus - Denmark - Dominican Republic - Ethiopia - Malaysia -Finland - Honduras - India - Indonesia - Iran - Ireland - - Lybia - Mexico - Nepal - New Zealand - Nigeria - Pakistan - Philippines - Saudi Arabia - Sweden - Thailand - Turkey -Union of South Africa - United Kingdom of Great Britain and Northern Ireland - Australia.

Those who voted “NO”:

Brazil -Ghana - Guinea - Italy - Mali - Argentina -

Those who abstained:

Bolivia - Bulgaria - Bielorussia - Cambodia - Canada - Ceylon - Chile -
Tchecoslovakia -Greece - Haiti - Hongaria - Iran - Japan - Jordania -
Lebanon - Liberia - Luxembourg - Poland - Portugal - Rumania - Spain -
Sudan - Togo - Tunisia - Ukrainia - USSR - United Arab Republic - United
States of America - Venezuela - Yemen - Yugoslavia - Afghanistan -
Albania.

They did not vote: Austria - China

By 29 “YES” votes 6 “NO” votes and “33 abstentions”; the section of
the sentence IS adopted.

IV - The Chairman put to the entire Draft Resolution *A/C. 4/L685 -
ADD 1* as it has been amended. The Chairman proceeded by calling the
names of each member state with Liberia whose name is drawn from
the lots.

Those who voted “YES”.

Liberia - Lybia - Mali - Mexico - Nepal - New Zealand - Nigeria - Norway
- Pakistan -Philippines - Poland - Rumania - Saudi Arabia - Sudan - Sweden
- Thailand - Tunisia -turkey- Ukrainia - Union of South Mica - USSR -
United Arab Republic - United Kingdom of Great Britain and Northern
Ireland - United States America - Venezuela - Yemen -Yugoslavia -
Mghanistan - Albania - Australia - Austria - Bolivia - Burma - Bielorussia
-Canada - Ceylon - Chile - Costa Rica - Cuba - Cyprus - Tchecoslovakia –
Denmark, Dominican Republic - Ethiopia - Malaysia - Finland - Ghana -
Guinea - Honduras - Hungaria - India - Indonesia - Iran - Iraq - Ireland -
Japan - 10rdania - Lebanon.

Those who voted “NO”: Luxembourg - Paraguay.

Those who abstained:

Portugal - Spain - Togo - Argentina - Brazil- Cambodia - Greece - Haiti -
Italy. She did not vote: China.

By 59 “YES” votes, 2 “NO” votes and “9 abstentions”, the entire draft
resolution *A/C. 4/L685 - ADD 1* is adopted as it has been amended.

The Chairman closed the meeting on Thursday 20 April 1961 at 3.15 p.m. *Le Président annonce que les auteurs du projet de resolution ont accepté l 'amendement au paragraph 6 proposé par le représentant de la Guinée, Mr. Achkar Marof, et tendant à insérer après les mots "une assistance", le membre de phrase suivant; "à la demande des autorités intéressées". Il met aux voix le paragraphe 6 du dispositif ainsi modifié; par 48 voix contre zéro, avec 17 abstentions, le paragraphe 6 dispositif, tel qu 'il a été amendé, est adopté. Dans une déclaration faite par le Southern Cameroons et la République du Cameroun avant le plebiscite, déclaration qui figure au paragraphe 71 du Rapport A/4727 du Commissaire au plebiscite, le projet de resolution A/C.4/ L685 et ADD 1 propose la création d'une Commission de trois spécialistes des questions constitutionnelles et administratives chargée de prêter son assistance pour les pourparlers entre le gouvernement du Cameroun Méridional (The Southern Cameroons) et la République du Cameroun; cette Commission n 'aura pas à faire rapport à l 'Assemblée Générale.*

Note

Source: UN General Assembly-Official Records – Vol. 1 : Supplement No. 16A (A/4684/ADD1) -1961

GENERAL ASSEMBLY RESOLUTION 1608 (XV). GAOR. 15TH SESSION. 1961. AGENDA ITEM 13.

THE FUTURE OF THE CAMEROONS UNDER UNITED KINGDOM ADMINISTRATION.

The General Assembly

Recalling its resolution 1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration which recommended, *inter alia*, that the Administering Authority takes steps, in consultation with the United Nations Plebiscite Commissioner, to organize under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future, and that the plebiscite in the Northern Cameroons be held about the middle of November 1959 on the basis of the two questions set out in paragraph 2 of the said resolution.

Recalling its resolution 1352 (XIV) of 16 October 1959 whereby it decided, *inter alia*, that a plebiscite in the Southern Cameroons be held between 30 September 1960 and March 1961, on the basis of the two questions set forth in paragraph 2 of the said resolution.

Recalling further its resolution 1473 (XIV) of 12 December 1959 in which the Assembly, having considered the results of the plebiscite in the northern part of the Cameroons under United Kingdom administration, recommended the organization by the Administering Authority, in consultation with the United Nations Plebiscite Commissioner, of a further plebiscite to be held in the Northern Cameroons under United Nations supervision between 30 September 1960 and March 1961, on the basis of the two questions defined in paragraph 3 of the said resolution.

Having examined the report of the United Nations Plebiscite Commissioner concerning the two plebiscites held in the Northern and the Southern Cameroons in February 1961 (A/4727) and the Report of the Trusteeship Council thereto (A/4726).

Having heard the petitioners,

1. *Expresses its high appreciation* of the work of the United Nations Plebiscite Commissioner and his staff;

2. *Endorses* the results of the plebiscites that:

- (c) The people of the Northern Cameroons have, by a substantial majority, decided to achieve independence by joining the independent Federation of Nigeria;
- (d) The people of the Southern Cameroons have similarly decided to achieve independence by joining the independent Republic of Cameroun;

3. *Considers* that, the people of the two parts of the Trust Territory having freely and secretly expressed their wishes with regard to their respective futures in accordance with General Assembly resolution 1352 (XIV) and 1473 (XIV), the decisions made by them through democratic processes under the supervision of the United Nations should be immediately implemented;

4. *Decides* that, the plebiscites having been taken separately with differing results, the Trusteeship Agreement of 13 December 1946 concerning the Cameroons under United Kingdom administration shall be terminated, in accordance with Article 76 b of the Charter of the United Nations and in agreement with the Administering Authority, in the following manner:

- (c) With respect to the Northern Cameroons, on 1 June 1961, upon its joining the Federation of Nigeria as a separate province of the Northern Region of Nigeria;
- (d) With respect to the Southern Cameroons, on 1 October 1961, upon its joining the Republic of Cameroun;

5. *Invites* the Administering Authority, the Government of the Southern Cameroons and the Republic of Cameroun to initiate urgent discussions with a view to finalizing, before 1 October 1961, the arrangements by which the agreed and declared policies of the concerned parties will be implemented.

994th plenary meeting
21 April 1961.

CONFIDENTIAL

Record of the Tripartite Conference between representatives of the Republic of Cameroun, of the Southern Cameroons, and of the United Kingdom held in the House of Assembly at Buea from 15th to 17th May, 1961, under the Chairmanship of His Honour the Commissioner, Mr. J. O. Field, C.M.G.

Republic of Cameroun

H. E. Monsieur Ahmadou AHIDJO, President of the Republic.
H. E. Monsieur Charles OKALA, Minister of Foreign Affairs.
Monsieur KUOH, Secretary-General to the Presidency.
Monsieur BETAYENE, Secretary-General, Ministry of Foreign Affairs.
H. E. Monsieur OYONO, Ambassador to Liberia.
Monsieur MISSOMBA, Sûreté Nationale.
Monsieur DOMISSY, Conseiller Technique to the Presidency.
Colonel BLANC, Conseiller Technique.

Government of Southern Cameroons

Hon. J. N. FONCHA, Premier.
Hon. A. N. JUA, Minister of Social Services.
Hon. S. T. MUNA, Minister of Commerce and Industries.
Hon. P. M. KEMCHA, Minister of Natural Resources.

United Kingdom

Sir Roger STEVENS, Foreign Office.

Mr. C. G. Eastwood, Colonial Office.

Mr. A. G. H. GARDNER-BROWN, Colonial Office.

H. E. Mr. P. M. JOHNSTON, H. M. Ambassador at Yaounde.

Mr. P. M. IAYER, H. M. Embassy, Yaounde.

The Deputy Commissioner [Mr. Malcolm Milne],

The Attorney-General [Mr. G. B. Smith], and

The Financial Secretary were also present.

15th June, 1961.

The COMMISSIONER opened the proceedings by welcoming the Republican and United Kingdom delegations to the talks. He said that the purpose of all those taking part was to try to ensure peace, progress and well being for a unified Cameroon. It would not be possible in the present round of discussions to settle all the problems connected with unification but several of the points covered in the U.K. Memorandum previously given to the Republican and Southern Cameroons authorities required urgent attention. He invited **President Ahidjo** to express his views on the U.K. paper.

2. PRESIDENT AHIDJO thanked the Commissioner for his words of welcome. He said that the Republican authorities were grateful to Her Majesty's Government for the special attention they were paying to the security problem and, more generally, for their continued efforts to make reunification a success. If all went well, the U.K. as administering authority, would have as much reason to be proud as the Cameroonians themselves. He counted on U.K. support up to and beyond 1st October.

3. He then turned to a discussion of the principles underlying the U.K. Paper, making the following points: -

- (a) His Government agreed with the U.K. proposal in paragraphs 5 and 6 of the Memorandum that there should be an exchange of letters between the U.K. and the Cameroun Government before 1st October, concerning the transfer of power. They stood by their agreement that unification should come about on a Federal basis and intended to revise the Republican constitution accordingly. Draft proposals would be submitted to the National Assembly at Yaounde in a few weeks. It was clear, however, that it would not be possible for Federal institutions, and, in particular, for a Federal

Government to be brought into being by 1st October. On that day, therefore, sovereignty over reunified Cameroun would have to be invested in the Republic Government, though until such time as Federal institutions were established, the authorities of the Southern Cameroons would be associated in the “exercise of power”. The modalities of this association would be explained later after further discussions between the two Cameroon parties concerned. He had been glad to note that in the U.K. view the future constitutional arrangements for the Federation were a matter for decision and discussion by the Republican and Southern Cameroons alone.

- (b) His Government could agree to the establishment of a joint Committee to study the problems of reunification, an idea that he and *Mr. Foncha* had endorsed at their recent meeting in Yaounde. He felt, however, that the Council should act in an advisory capacity with power to make recommendations to the Cameroon authorities concerned, but with no executive authority. He proposed that the Republic representative should be *Mr. Okala* and that the Southern Cameroons should similarly be represented by a Minister. The two should be assisted by experts designated ad hoc for particular subjects. The Council should also have powers to appoint technical advisers. The U.K. should likewise be represented. He emphasised again that from 1st October until the creation of a Federal set-up, sovereignty would lie with himself “concurrently with a Southern Cameroons representative”.
- (c) Agreement had been reached with the Southern Cameroons Government that all internal services in their territory should be transferred to the latter [*The rest of the sentence and several pages of the document lost*]

[16th June, 1961]

[*Paragraphs 1 and 2 of the record of the day's proceedings lost*] ... responsible for security in the Republic should hold discussions with officers from the Southern Cameroons with a view to concerting action against the terrorists.

3. MR. OKALA presented President Ahidjo's excuses and said that he would be speaking for him. Yesterday I had seemed that there had been a cloud between the two Cameroonian Delegations; but it had since become clear that though they had not been speaking on the same wave-length they had been using the same language. The main difficulty had been that Mr. Foncha thought that the Southern Cameroons would not have its own Police Force and, perhaps also, that in the future Federal Army the

Southern Cameroonian element would not retain a separate identity. After 1st October the State of the Southern Cameroons and of Cameroun would be on the same footing. Both would have their own Police Force. Responsibility for external defence and for the maintenance of internal security would become Federal subjects, but since federation could not be brought into being rapidly the creation of a Federal Army would have to be a gradual process. In the interim period, the Federation would exist “à travers” the Republic to whom sovereignty should be transferred. Until federal institutions had been set up, President Ahidjo would exercise federal authority in conjunction with Mr. Foncha. The Republic would transfer to the President all sovereign powers to be allotted to the Federation until such time as they could be transferred to the Federation and exercised by the President of the Federation. He supported Mr. Foncha’s request that the British Battalion should remain after 1st October. All the Cameroonian police should be brought back from Nigeria and should become the police of the Southern Cameroons – on condition, of course, that they were natives of the [*The rest of this paragraph together with paragraphs 4 to 11 lost*] ...a Federal Force. These questions should be discussed by the military experts.

12. Referring to Mr. Foncha’s remarks about a possible final communiqué, he said it was for consideration whether there should be a final communiqué at all. The United Kingdom Delegation had prepared a draft list of all agreed points for action, of which copies would be made available. This would be useful as a working document, but he did not think that it should be made public. The United Kingdom Delegation saw no need for a communiqué, but this was primarily a matter for the Cameroonian delegations to decide.

13. MR. FONCHA said it was clear that the Federation would need a reliable Army. Nevertheless, the Southern Cameroons Delegation were disappointed that they would have no small striking force in being before the British Battalion left. He suspected that the British Delegation had made contact with the Republican Delegation and felt they had not taken account of the needs of the Southern Cameroons. The creation of a local force should be set in hand at once. If this was not done, Republican troops would have to be stationed in the Territory and it was precisely this that he wanted to avoid. If the United Kingdom Delegation had agreed to let the Battalion remain there would have been no reason for disagreement between the two Cameroonian Delegations. His understanding was that the Colonial Secretary had undertaken that British Troops should stay if a request to this effect was addressed to him. He also wanted to point out that he had

not yet been given satisfaction over his demand that the Cameroonians in the Nigerian Army should be transferred. Even, however, if this request were acted on, it might not have the results that he hoped for. Would the personnel transferred be stationed in the Southern Cameroons or would be integrated with Republican forces? [*The rest of this and other paragraphs recording the day's discussions lost*]

[17th May, 1961]

[*The first twelve paragraphs of the record of the day's discussions lost*]

13. The discussion then turned to the question of Customs personnel. *The Commissioner* explained that it would be necessary to train 87 Customs Officers to replace the Nigerians who would shortly be leaving. If the transfer of the service was to take place by July, the training programme, for which he had authorised the necessary expenditure would not have been completed and the consequence would be that the collection of revenue would cease. A period of at least three months would be necessary. *President Ahidjo* suggested that meanwhile the Nigerians should be replaced by British personnel. *Mr. Foncha* disagreed with the Commissioner's estimate and said that, if he had been in charge, he would have brought the ex-Customs officials in the Southern Cameroons rather than waste time in training new personnel. *The Commissioner* replied that there were far fewer than 87 ex-officials available and that his plans had already taken those that were available into account.

IT WAS AGREED that the Premier, the Commissioner and Mr. Eastwood would discuss the matter further separately.

PENSIONS

14. **President Ahidjo** said that it would be necessary for the United Kingdom to conclude an agreement with Nigeria on pension rights which the new Federation or the Southern Cameroons Government could inherit. The announcement of such an agreement would do much to re-assure expatriate personnel and to encourage them to stay. Mr. Eastwood expressed agreement and suggested that the matter should be further discussed later.

DEFENCE

15. *Mr. Foncha* said that it was extremely important to get general agreement on Defence. His Government's hopes have been gravely disappointed. The Trusteeship Agreement laid down that the Administering Power was

responsible for [group of words lost] of the local population; but the British had used Cameroonians in the Nigerian Forces when they should have been serving in their own territory. These formed a potential nucleus for a local defence force and his Government would not be satisfied unless they were brought back to the Southern Cameroons immediately. Moreover, his Government were surprised that the British Delegation should have suggested that the Republic Authorities should be responsible for training them. The British Authorities should have consulted him before putting forward these views. In addition, his Government felt that his request for a defence force would have been granted if it had been supported by the Republic Authorities. Had they known that British Forces were to be withdrawn on 1st October, they would have set their own training programme in hand. They did not want French speaking instructors. The language barrier made a separate defence force essential. Admittedly, in the long run, the idea was that the small force they had proposed would be put at the disposal of the Federal Government; but the training of it should be done in the Southern Cameroons. This was the view not only of his Government but of the House of Assembly and House of Chiefs. He had explained on his recent visit to London that his Government would be willing to make considerable sacrifices to find the money to train such a force. Summing up, he reiterated his demand for more precise proposals on defence questions from both the British and Republican Delegations, and his demands for immediate withdrawal of Cameroonians from the Nigerian Force. It would be useless to provide civilian experts if there was no guarantee that the security situation could be kept under control.

16. [*Group of words lost*] the bulk of the training to be done by the Republic on behalf of the Federation with a view to the force becoming part of the Federal forces. The advantages of this were that the Republic was on the spot, the training could begin quickly, the facilities were available and the training could be conducted in a unified manner, though the question of language was, of course a major difficulty. These were the problems he had in mind when suggesting a meeting of military experts. He suggested that the Conference should decide whether the training of the Police Mobile Force should be put in hand in the Southern Cameroons or whether there should be a unified training programme in which the U.K. might be able to assist e.g. over recruiting. He assumed that there was a ceiling to the number of recruits and recruiting facilities available, and it was for consideration how this material could best be used.

17. *President Abidjo* said that his Government agreed with the view that the Cameroonians serving the Nigerian Forces should be transferred as soon as possible. A note to this effect had been delivered to Her Majesty's Embassy in Yaounde. He was not well versed in Nigerian law but thought that it would be odd if the Nigerians were to retain foreigners in their Army and consequently the Nigerians should be asked to put the personnel concerned at the disposal of the Cameroonian Authorities. It was after all the case that the situation had arisen because the United Kingdom had administered the Southern Cameroons as part of Nigeria. He understood the practical reasons for this but thought the United Kingdom had not entirely respected the Trusteeship Agreement, and hence that they had a definite responsibility in the matter. *Sir Roger Stevens* said that Her Majesty's Government would be very glad to make the necessary 'demarche' to the Nigerian Authorities.

18. *The President* thought that the Cameroonians returning from Nigeria should make early contact with their opposite numbers in the Republican Army. It was clear that they would have to get to know each other since, for practical reasons, the Armed Forces and the Gendarmerie of the Federation would have to be a unified force and their training would have to be standardized. He wished to stress that after October 1st, the Republic would no longer have any Armed Forces of its own, just in the same way the Southern Cameroons had none of their own at the moment. What would happen, however, is that they would put 4,000 to 5,000 armed men at the disposal of the Federal Authorities and the Southern Cameroons would provide perhaps 500 to 1,000. The combined force would be bilingual but he thought that the training should be modelled on the present Republic pattern. He did not wish to quarrel with the Southern Cameroonian Delegation in the presence of the British, but he was surprised that Mr. Foncha should have insisted that no Federal troops should be allowed to cross the frontier between the two territories. After unification it would be absurd to have two Armies or two separate Authorities for law and order. He agreed with Sir Roger Stevens' suggestion that the whole matter should be discussed in detail by military experts. He thought it would be unreasonable to exclude Southern Cameroonians from the Ecole Inter-Armes at Yaounde. There was no reason why training should not take place there, as well as under British auspices. The problem of security was far too important to be sacrificed to political susceptibilities and to micro-nationalism.

[Several pages lost]

17. MR. FONCHA said that he did not wish his remarks to be interpreted to mean that he was accusing the United Kingdom and the Republican Delegations of collusion. Nevertheless, it was a coincidence that the

British position corresponded exactly with that outlined by President Ahidjo, in his opening statement. His Delegation insisted that there should be a separate Southern Cameroons Defence Force. The training of this could, and should, have been undertaken long ago. He recalled what France had done for the Republic. Now it looked as though it was too late and that he was going to be left in the lurch. There had been no disagreement between the two Cameroonian authorities on this point, but it had never been his idea that the Southern Cameroons should be utterly dependent on the Republic for its security. Right from the beginning, even before the plebiscite had taken place, he had insisted on a distinct force. If he did not get it he would have deceived his people.

18. MR. MUNA said he wanted to clear up a misunderstanding. He was not going to labour the point that repeated requests had been made for the training of a separate force. It was, however, a fair deduction that the British Delegation had been in contact with the Republican Delegation over this from the fact that they had asked the Cameroun authorities to send experts to discuss the question. If his Delegation had been aware of this they would have had an opportunity to discuss the matter between themselves. Mr. Foncha, therefore, had some excuse for raising the question.

19. SIR ROGER STEVENS said that there had been exaggerations and misunderstandings over the matter, but it had a very simple origin. As M. Okala had said, there had been no prior agreement, understanding or exchanges on the question [*The rest of the document lost*].

Observation

The underlining and capital letters are as in the original document itself.

9 June, 1961

SECRET AND PERSONAL

Dear Christopher,

Thank you for your letter WAF 16/1075/01 of the 5th of June about the state of the local political game.

I am afraid nothing very much seems to be coming of the so-called “truce” between the CPNC and the KNDP. As far as principal politicians are concerned, both sides seem to have retired to their respective camps and are remaining within them without hurling insults at each other. To this extent the “truce” is being observed. So far as I know, Endeley has produced no comments on Foncha’s ideas and there is no indication that he or any of his henchmen are working on them in any way.

In the meantime, the “Kamerun Times” has consistently attacked the idea of a truce and warned the public against having anything to do with Endeley or any of his works, usually in sarcastic and abusive terms. Foncha claims that he does not control this paper – which is true – but it is nevertheless regarded as the official organ of the KNDP and I have little doubt that Foncha and his colleagues could moderate its tone if they wanted to.

I am told that the idea of any coalition was finally knocked on the head at a recent meeting of the KNDP executive. I doubt if it ever had much chance of coming into existence. According to the report, which we have not been able to check but which comes from a source that usually proves reliable, Muna ran behind Foncha’s back in London and sent off a cable advising certain of his henchmen to start a campaign against any idea of a coalition. Certainly, the campaign against it was so strong by the time Foncha got back that he quickly disclaimed the idea. I fear it is now a dead duck.

All is not well in the KNDP. Jua’s influence in the party has been increasing lately at the expense of Muna. This is, of course, a clash between those who are strong for re-unification (Muna) and those who are not (Jua). At a recent party congress Jua was elected 1st Vice President and Muna failed to secure any office at all. I understand matters came to a head when it came to light that during Foncha and Muna’s recent visit to Yaounde, Okala had secret talks with Muna and persuaded him to agree that the police and the army should be federal subjects on the understanding that Muna would be Minister of Defence. This was firmly rejected by the party executive. We have, of course, no firm confirmation of all this but it may well be that there was some such agreement between Muna and Okala and that this is the origin of Ahidjo’s claim that it was agreed the army and police should be federal and put under the Cameroun Ministry of Defence for training. If Foncha had anything to do with it, he has now swung away from it and is firm with Jua in demanding that the police should be federal, that no forces of the Republic shall be permitted to enter the Southern Cameroons without the Southern Cameroons’ Government’s consent and that the new security force, if it materialises, shall be under Southern Cameroons control “to start with”.

From other sources we know that Goillandeau, the French liaison officer here with the Army (who we also believe has a Deuxieme Bureau appointment) has been asked to say how many French officers would be adequate to take over the Special Branch and the Police in the Southern Cameroons, and we also know that the C.R. army are preparing a plan for moving troops into Bamenda, Kumba and Buea immediately after independence. The latter may be ordinary military planning against a possible contingency, but to say the least, all the indications are that the Republic people are resolved to keep security and defence firmly in their own hands.

I said above that all is not well in the KNDP but I do not expect the party to fall apart. The main reason for this is Foncha's practice of shifting his ground so as to be with whatever faction is at any given time in the ascendant. At the moment, the "loose federation" faction is well ahead, so much so that the party executive is reported to have agreed that if they cannot get unification on their own terms, they will go back to the U.N. and demand separate independence within the Commonwealth. These people are so changeable that one never knows from one day to the next what they will do but all my recent talks with Ministers have suggested that their present thinking is that they are still prepared to sup with Ahidjo but only with a very long spoon.

Yours ever,
[Signed]
(J.O. Field)

C.G. Eastwood, Esq.

Observation

Here we have the clearest of evidence that Cameroun Republic invaded and occupied the Southern Cameroons in September 1961 and that preparation for the invasion and occupation started way back in June.

SECRET

LB.CON.

19th June, 1961

Hon. the Premier,
Buea

Constitutional Proposals – Transfer of Sovereignty

I attach some notes with regard to the transfer of sovereignty to an independent state of the Southern Cameroons, which I believe represents the views held by yourself and the other Ministers.

2. The exact interpretation of the United Nations resolution is not an easy matter. I consider that the theses of the Republic and the Southern Cameroons are both tenable and arguable. Alternatively only the General Assembly of the International Court of Justice at the Hague would be competent to decide whose view is correct, ours or the Republics.

3. I should like to discuss this matter with you further. The draft notes attached are rough heads of argument which can be developed and in places tightened up.

Yours sincerely

[Signed]
(B.G. Smith)
Attorney-General

Copy to:
H.H. the Commissioner.
[The attached notes read]:

1. It is the view of the Republic of Cameroun that at midnight on 1st October sovereignty in respect of the Southern Cameroons should be transferred to the Republic of Cameroun and that, shortly after, the formation of the Federation should be promulgated.

2. It is also the view of the Republic of Cameroun that after 1st October and pending the establishment of the federal government, those powers which will become federal would be transmitted to the President of the Republic who would exercise them in association with the Prime Minister of the Southern Cameroons.

3. These views are not shared by the Government of the Southern Cameroons. It is submitted that this procedure is not in accordance with the United Nations resolution.

4. The choice offered to the people of the Southern Cameroons was to achieve independence either by joining the independent Federation of Nigeria or the independent Republic of Cameroun. The people chose the Republic of Cameroun.

5. If at midnight the sovereignty of the Southern Cameroons is transmitted to the Republic of Cameroun the people of the Southern Cameroons do not at that moment achieve independence. They lose their identity and become subjects of the Republic of Cameroun. It may well be that within a matter of minutes, hours or days the Republic will by an act of state transform itself into a federation of two states transform itself composed of the former Republic of Cameroun and the former Trust Territory of the Southern Cameroons. The Southern Cameroons would then have achieved independence not by joining the Republic of Cameroun but after joining the Republic of Cameroun. In order that people of the Southern Cameroons may achieve independence by joining the Republic of Cameroun it is necessary that the federation should come into existence at midnight of 1st October. At one and the same moment there will be born the independent State of the Southern Cameroons and the Federation of the United Kamerun Republic. The Federation would be a free association of independent and equal sovereign states.

6. It is to be remembered that before the plebiscite took place in accordance with resolution 2013 (XXVI) of the United Nations Trusteeship Council the United Kingdom Government obtained from the Government of the Republic of the Cameroun information of the constitutional arrangements which would have to be made for the implementation of the plebiscite. The method agreed by the republic of Cameroun was that set out in the Joint Communiqué of the President of the Republic and the Premier of the Southern Cameroons dated 10th December, 1960 and particularly paragraph (b) of Head 2 thereof.

7. This communiqué expressed agreement with the interpretation of the second question (which related to joining the independent Republic of Cameroun), which interpretation had been proposed by the United Kingdom Secretary of State. That interpretation proposed, *inter alia*, that "... by an earlier date to be decided by the United Nations ... the Southern Cameroons and the Cameroun Republic would unite in a Federal United Cameroun Republic". Head 2, paragraph (b) of the communiqué postulated "the transfer of sovereign powers to an organisation representing the future Federation".

8. It is to be noted that it was not proposed that sovereign powers should be transferred (*sic*) to the Republic of Cameroun which would then in due course transfer those powers to a Federal Organisation.

Further considerations also arise.

9. The plebiscite has to be considered as a whole. It is not possible to consider the two questions posed at the plebiscite in isolation. The people of the Southern Cameroons accepted joining the Republic of Cameroun after considering the constitutional offers which the republic made in the two communiqués. Those communiqués have become the terms of a constitutional contract which the Republic of Cameroun is obliged to honour and has agreed to honour. It is submitted that it is clear beyond peradventure that the Republic of Cameroun has contracted to receive the Southern Cameroons as an equal sovereign state and at one and the same time to form with it a federation of two equal sovereign states.

10. It is to be noted that the Federation of Nigeria had undertaken to "welcome the Southern Cameroons as part of the Federation with the status of a full self-governing Region equal in all respects with other Regions in an independent Nigeria".

11. It was apparently considered not necessary by the Federation of Nigeria that there should be any intermediate stage when the Southern Cameroons should become part of a Region or part of the Federal territory. It was apparently envisaged that the Southern Cameroons should pass straight from tutelage to the status of a full self-governing Region forming part of the Federation of Nigeria. Now that the people of the Southern Cameroons have agreed to join the Republic of Cameroun there appears to be no reason why they should not join as a full, free and independent state in a federation which shall come into being at the moment of the people of the Southern Cameroons attaining their independence. Such an event

would give effect to the constitutional contract between the people of the Southern Cameroons and the Republic of Cameroun entered into by the people of the Southern Cameroons accepting through their vote at the plebiscite the offer of the Republic of Cameroun as set out in the joint communiqués.

12. The Republic of Cameroun has agreed in the second communiqué that sovereign powers shall be transferred to an organisation representing the future Federation. Since the State of the Southern Cameroons will be a sovereign, independent state equal in all respects to the Republic it is necessary that the organisation representing the future Federation shall be composed of equal elements representing the Republic of the Cameroun and the State of the Southern Cameroons. It is not compatible with the dignity of the Southern Cameroons that that organisation should be the President of the Republic acting in association with the Head of state of the Southern Cameroons. It may be practicable to transfer sovereignty to the President of the Republic and the Head of the State of the Southern Cameroons jointly but it is submitted that the better course would be that proposed by the Premier and Ministers of the Southern Cameroons namely a body composed of equal numbers of representatives nominated by the Government of the republic of Cameroun and the Government of the Southern Cameroons respectively, which body shall appoint a temporary President of the Federation.

13. Sovereignty should only be transferred to an organisation representing equally the Republic of Cameroun and the State of the Southern Cameroons.

The Southern Cameroons

C.P.C. 61(19)

Since this paper was prepared there has been the telegram from Yaounde No. 117 (attached) from which it appears that Ahidjo does not really want the British battalion to stay and only asked for it under pressure from Foncha. This obviously very much strengthens the case against leaving the battalion. Sir Roger Stevens is certainly of this view. The Chiefs of Staff of course have never wanted to leave it and in this we must acquiesce.

As regards the four “palliatives” in our report:-

- (i) I hope you can support the recommendation for operations against the Camp of 200. The Vice Chiefs will support it. Sir Roger and I feel that there would be considerable political advantages in this positive action before the 1st October. You will remember that Lord Perth was strongly pressed for such action in Paris and we were similarly pressed by Ahidjo. The military authorities believe it can be done without such repercussions as would necessitate reinforcements. The camp is in a very remote area of mountainous and wooded country, see x in map attached.
- (ii) I am sure a Consular post will be necessary.
- (iii) If the battalion is not to stay we think the Commissioner should make the announcement within the next few days rather than another statement in the House – there have already been two.
- (iv) The Vice Chiefs of Staff are going to recommend strongly against leaving the battalion in the Victoria Division. As it now seems likely that Ahidjo would not acquiesce in this and as the political objections to leaving the battalion without his acquiescence would be very great, I rather expect Ministers will probably feel that this idea should not be pursued.

The C.P.C. paper also asks Ministers to consider (1) whether we should continue to offer an Aid Mission and (2) whether the decision about preference should be confirmed.

As regards the latter, this decision has already been conveyed to the representatives of both Cameroonian Governments and fortunately to leaders of commercial interests both in this country and in the Southern Cameroons and there would not seem to be ... for ... On the contrary it would be very embarrassing indeed to do so and would only make things worse.

As regards the Aids Mission, when the Cabinet considered this the instructions to our delegation as indicated by the Prime Minister were that we would provide financial assistance of £¹/₂ m. during the first year after independence either to enable expatriates to continue or to support the budget. This decision was taken at the same time as it was decided to withdraw the battalion and there would seem in principle no reason to change it.

If there is no security in the country there would be no point in an Aid Mission because no one would serve on it and we think this particular idea should not be pursued, at least for the present.

We have reviewed the whole position with the Foreign Office in the light of the prospect that Ministers will decide to withdraw the battalion and not to provide an Aid Mission. In our view what is now necessary is to do our best to bring Foncha and Ahidjo together again to sort out their position in the light of the clear knowledge that H.M.G. is going to withdraw on the 1st of October, and in order to do this we think we must make it clear to them that when the battalion is withdrawn other expatriate will leave and that it is up to Foncha and Ahidjo to reach agreement on their constitutional differences. We can offer to use our good offices in this respect. At the same time, in order to show willingness to help and also to encourage Foncha to reach some agreement on the constitutional and on security we propose that Ministers' previous decision to provide £½ m. should be confirmed. This £½ m. should, however, only be given if there is some agreement to establish a Federation. The lines of this would be as set out in the attached draft (Flag B). This would be communicated simultaneously to Foncha and we should tell the French and the Nigerians. It is deliberately couched in pretty strong language.

It is important that the telegram should go tomorrow as Foncha leaves probably on Saturday for a conference of all Southern Cameroons political parties in Bamenda early next week and he ought to know of these decisions beforehand.

It is quite on the cards that Foncha, under great pressure from Jua and others in his party, may decide that his differences with Ahidjo are irreconcilable and appeal to the United Nations. The Trusteeship Council will be in session until about the 20th July (it will in fact actually be talking about 195 Council Report early next month) and his appeal might reach New York [*group of words undecipherable*]. Our position will have been strengthened when we make it quite clear in the draft telegram, that we consider Trusteeship must terminate on the 1st October. It is quite likely that the only result of Foncha appealing to the United Nations will be that the Trusteeship Council will call upon Foncha and Ahidjo to make further efforts to reconcile their differences. This could well be to our advantage. Only the General Assembly could agree to vary their own resolution of last April and the Assembly does not meet until the 19th September.

[Signed]
E.C. Eastwood

22nd June, 1961.

SECRET

TO : COMMISSIONER, SOUTHERN CAMEROONS

REPEATED TO: HM AMBASSADOR, YAOUNDE
UK COMMISSIONER, LAGOS
UK MISSION, NEW YORK

DATE: 22ND JUNE, 1961

PLEASE PASS MESSAGE IN MY IMMEDIATELY FOLLOWING TELEGRAM TO MR. FONCHA AS QUICKLY AS POSSIBLE INFORMING HIM THAT SIMILAR MESSAGE IS BEING ADDRESSED TO PRESIDENT AHIDJO THROUGH HM AMBASSADOR.

REPEATED TO: LAGOS
NEW YORK

DATE: 22ND JUNE, 1961.

FOLLOWING IS MESSAGE REFERRED TO IN MY IMMEDIATELY PRECEDING TELEGRAM.

BEGINS: HMG HAVE CAREFULLY CONSIDERED THE REPORT THEY HAVE RECEIVED FROM THEIR DELEGATION TO THE RECENT TRIPARTITE TALKS IN BUEA AND DESIRE TO CONVEY THE FOLLOWING EXPRESSION OF THEIR VIEWS TO THE PRESIDENT OF THE REPUBLIC AND THE PREMIER OF THE SOUTHERN CAMEROONS.

HMG CONSIDER THAT THE TERMS OF THE UN RESOLUTION ARE SUCH AS TO REQUIRE THE TERMINATION OF UK TRUSTEESHIP ON 1ST OCTOBER AND THAT AFTER THAT DATE HMG WILL ACCORDINGLY CEASE TO HAVE ANY RESPONSIBILITY FOR THE AFFAIRS OF THE SOUTHERN CAMEROONS. HMG CONSIDER THAT THIS MUST BE REGARDED AS IRREVOCABLE THE DECISION BY THE UNITED NATIONS AND COULD NOT BE ABLE TO SUPPORT ANY PROPOSAL FOR EXTENSION OF UNK TRUSTEESHIP OR ANY ALTERNATIVE OTHER THAN THAT THE SOUTHERN CAMEROONS JOINS THE CAMEROUN REPUBLIC ON 1ST OCTOBER.

HMG HAVE ALSO STUDIED CAREFULLY THE VIEWS EXPRESSED AT THE TRIPARTITE TALKS ON THE QUESTION OF THE USE OF THE UK BATTALION FOR THE MAINTENANCE OF SECURITY AFTER 1ST OCTOBER. WHILE HMG FULLY APPRECIATES THE ANXIETIES FELT BY THE OTHER PARTIES TO THE TALKS ON THIS QUESTION THEY SEE NO ALTERNATIVE BUT TO REAFFIRM THEIR DECISION TO WITHDRAW THE UK BATTALION ON 1ST OCTOBER AS QUICKLY AS POSSIBLE AND FOR IT TO CEASE EXERCISING ANY RESPONSIBILITY FOR SECURITY AFTER 1ST OCTOBER.

IN THESE CIRCUMSTANCES HMG CONSIDER IT INCUMBENT UPON THEM TO MAKE IT CLEAR THAT THEY SEE NO GROUNDS ON WHICH THEY WOULD BE ENTITLED TO OPPOSE IN THE UNITED NATIONS OR ELSEWHERE ANY ARRANGEMENTS THAT MAY BE MADE FOR ENSURING SECURITY BY THE FORCES OF THE CAMEROUN REPUBLIC. THEY HOPE THAT SUCH ARRANGEMENTS WOULD BE AGREED UPON BY THE SOUTHERN CAMEROONS AND THE CAMEROUN REPUBLIC, SO AS TO COME INTO FORCE ON OCTOBER 1ST WHEN HMG WOULD CEASE TO HAVE ANY PART TO PLAY.

HMG HAVE LEARNT WITH REGRET THAT THAT THERE WAS A DIVERGENCE OF VIEWS BETWEEN THE CAMEROUN REPUBLIC DELEGATION AND THAT OF THE SOUTHERN CAMEROONS OVER THE QUESTION OF THE CONSTITUTIONAL ARRANGEMENTS WHICH WOULD COME INTO FORCE ON 1ST OCTOBER. AS WAS STATED BY THE UK DELEGATION THE QUESTION OF CONSTITUTIONAL ARRANGEMENTS RELATING TO THE TWO TERRITORIES AFTER 1ST OCTOBER CAN ONLY BE REGARDED AS A MATTER FOR THE CAMEROONIAN THEMSELVES. THEY THEREFORE EXPRESS THE STRONG HOPE THAT BY FURTHER MEETINGS AND DISCUSSION BETWEEN THE REPRESENTATIVES OF THE SOUTHERN CAMEROONS AND OF THE CAMEROUN REPUBLIC THIS WILL BE FOUND TO OVERCOME THE PRESENT DIVERGENCE OF VIEWS. HMG DO NOT FEEL IT RIGHT THAT THEY SHOULD TAKE SIDES ON THIS MATTER. THEIR OWN VIEW IS THAT WHATEVER INTERPRETATION MAY BE PUT UPON THE WORDING OF THE UN RESOLUTION THE SMOOTH AND SUCCESSFUL TRANSITION TO UNIFICATION OF THE TWO CAMEROONS ON A FEDERAL BASIS CAN ONLY COME ABOUT THROUGH MUTUAL GOODWILL AND UNDERSTANDING OF

THE OTHER POINT OF VIEW. HMG FEELS SURE THAT SINCE IT IS THE DECLARED WISH OF BOTH SIDES THAT THE TWO COUNTRIES SHOULD UNITE WAYS AND MEANS CAN BE FOUND TO BRIDGE THE PRESENT GAP BETWEEN THE TWO POINTS OF VIEW. THEY SEE MERIT IN THE PROPOSAL THAT A PROVISIONAL FEDERAL ORGAN CONSISTING OF REPRESENTATIVES OF BOTH SIDES SHOULD BE ESTABLISHED ON 1ST OCTOBER WHO WOULD THEN ELECT A PRESIDENT BUT THEY ARE CONSCIOUS THAT THERE MAY BE OTHER POSSIBILITIES WHICH COULD BE EXPLORED. HMG WOULD BE VERY WILLING TO USE THEIR GOOD OFFICES IN ASSISTING THE TWO SIDES TO REACH AGREEMENT IF THIS WERE DESIRED. THEY VERY MUCH HOPE THAT SINCE TERMINATION OF TRUSTEESHIP ON 1ST OCTOBER MUST BE REGARDED AS INEVITABLE THE INTERVENING TIME WILL BE UTILISED TO SECURE A SOLUTION OF THE CONSTITUTIONAL QUESTION.

HMG RECOGNISE THAT THE DECISION TO WITHDRAW THE U.K. BATTALION AFTER OCTOBER 1ST MAY WELL RESULT IN A NUMBER OF EXPATRIATE OFFICERS AND OTHER CIVILIANS AT PRESENT LIVING IN THE SOUTHERN CAMEROONS LEAVING THE TERRITORY BY THAT DATE AND THAT A CONSIDERABLE NUMBER OF SUCH PERSONS WILL THEREFORE BE LEAVING THE TERRITORY BY THAT DATE. WHILE THIS SITUATION IS REGRETTED CLEARLY THE DECISION WHETHER TO STAY MUST BE REGARDED AS A MATTER FOR THE PEOPLE CONCERNED AND IF NECESSARY HMG WILL TAKE SUCH STEPS AS ARE REQUIRED TO ENABLE THEM TO LEAVE. IT FOLLOWS FROM THIS THAT IT WILL NOT BE PRACTICABLE TO PROVIDE A UK TECHNICAL AID MISSION. IN THE IMMEDIATE FUTURE AFTER 1ST OCTOBER THOUGH AFTER THINGS HAVE SETTLED DOWN HMG WILL BE WILLING TO CONSIDER THIS QUESTION FURTHER. HMG ARE, HOWEVER, ANXIOUS TO GIVE WHAT ASSISTANCE THEY CAN TO ENABLE THE SOUTHERN CAMEROONS GOVERNMENT TO CONTINUE TO FUNCTION AND WILL BE PREPARED, PROVIDED THERE IS SOME ASSURANCE THAT THE SECURITY OF THE TERRITORY WILL BE ENSURED BY THE ADMISSION OF REPUBLIC FORCES TO MAKE A FREE GRANT TO THE SOUTHERN CAMEROONS OF ½M POUNDS TO ENABLE IT TO MEET ITS IMMEDIATE FINANCIAL OBLIGATIONS. AS HAS ALREADY BEEN SAID HMG WILL ALSO CONTINUE FOR A LIMITED PERIOD, THE EXISTING PREFERENCES OF SOUTHERN CAMEROONS PRODUCE ENTERING THE UK MARKET.

HMG HOPE THAT THIS STATEMENT OF VIEWS WILL BE OF ASSISTANCE TO THE TWO PARTIES IN REACHING AN ACCORD ON THE MATTERS THAT REMAIN TO BE SETTLED BEFORE 1ST OCTOBER.

SECRET

OUTWARD TELEGRAM
FROM THE SECRETARY OF STATE FOR THE COLONIES

TO SOUTHERN CAMEROONS (Commissioner)

Cypher (O.T.P.)

Sent 23rd June, 1961. 13.45 hours.

IMMEDIATE

SECRET

No. C. C. 45

Following telegram of 23rd June from Foreign Office addressed to Yaounde No. 197 and to Southern Cameroons, repeated for information to Lagos and Paris, saving to U.K. Mission New York.

Begins.

Following is message referred to in my immediately preceding telegram.

Begins.

Her Majesty's Government have carefully considered the report they have received from their delegation to the recent tripartite talks in Buea and desire to convey the following expression of their views to the President of the Republic and the Premier of the Southern Cameroons.

2. Her Majesty's Government consider that the terms of the United Nations resolution are such as to require the termination of United Kingdom Trusteeship on 1st October and that, after that date, Her Majesty's Government will accordingly cease to have any responsibility for the affairs of the Southern Cameroons. Her Majesty's Government

consider that this must be regarded as a final decision by the United Nations and will not be able to support any proposal for extension of United Kingdom Trusteeship or any other arrangement other than that the Southern Cameroons joins Cameroun Republic on October 1st.

3. Her Majesty's Government have also studied carefully the views expressed at the tripartite talks on the question of the use of the United Kingdom battalion for the maintenance of security after October 1st. While Her Majesty's Government fully appreciate the anxieties felt by the other parties to the talks on this question, they see no alternative but to reaffirm their decision to withdraw the United Kingdom battalion on October 1st as quickly as possible and for it to cease exercising any responsibility for security after October 1st.

4. In these circumstances, Her Majesty's Government consider it incumbent upon them to make it clear that they see no ground on which they would be entitled to oppose in the United Nations or elsewhere any arrangements that may be made for ensuring security by the forces of Cameroun Republic. They hope that such arrangements would be agreed upon by the Southern Cameroons and the Cameroun Republic, so as to come into force on October 1 when Her Majesty's Government would cease to have any part to play.

5. Her Majesty's Government have learnt with regret that there was a divergence of views between the Cameroun Republic delegation and that of the Southern Cameroons over the question of the constitutional arrangements which would come into force on October 1st. As was stated by the United Kingdom delegation, the question of constitutional arrangements relating to the two territories after October 1st can only be regarded as a matter for the Cameroonians themselves. They, therefore, express the strong hope that by further meetings and discussions between the representatives of the Southern Cameroons and of the Cameroun Republic, ways will be found to overcome the present divergence of views. Her Majesty's Government do not feel it right that they should take sides on this matter. Their own view is that, whatever interpretation may be put upon the United Nations resolution, the smooth and successful transition to unification of the two Cameroons on a federal basis can only come about through mutual goodwill and understanding of the other point of view. Her Majesty's Government feel sure that, since it is the declared wish of both sides that the two countries should unite, ways and means can be found to bridge the present gap between the two points of view. They recall the proposal that a provisional federal organ consisting of

representatives of both sides should be established on October 1st, which would then elect a President; but there may be other possibilities which could be explored. Her Majesty's Government would be willing to use their good offices in assisting the two sides to reach agreement if this were desired. They very much hope that, since termination of Trusteeship on October 1st must be regarded as inevitable, the intervening time will be used to secure a solution of the constitutional question.

6. Her Majesty's Government recognise that the decision to withdraw the United Kingdom battalion after October 1st may well result in a number of expatriate officers and other civilians at present living in the Southern Cameroons leaving the territory by that date. While this decision is regretted, clearly the decision whether to stay must be regarded as a matter for the people concerned, and, if necessary, Her majesty's Government will take such steps as are required to enable them to leave. It follows from this that it will not be practicable to provide a United Kingdom technical aid mission after October 1st. Her majesty's Government are, however, anxious to give what assistance they can to enable the Southern Cameroons Government to continue to function and will be prepared, as soon as Federation is instituted, to make a free grant to the Southern Cameroons of £½ million to enable it to meet its immediate financial obligations. As has already been stated, they will also continue, for a limited period, the existing preferences on Southern Cameroons produce entering the United Kingdom market.

7. Her Majesty's Government hope that this statement of their views will be of assistance to the two parties in reaching an accord on the matters that remain to be settled before October 1st.

EXIT.

ENDS.

CONFIDENTIAL

Southern Cameroons

I understand that the French Ambassador is calling on you this afternoon to discuss this question. You may care to see the letter to me from Mr. Hadow, Paris, dated July 3, and his earlier letter of June 26, on the same subject, at Flag G.

2. The constitutional question (which I believe is what the French Ambassador wants to discuss with you) is, briefly, as follows:-

Our trusteeship over the Southern Cameroons is due to terminate on October 1, “upon the Southern Cameroons joining the Cameroun Republic”. These last words are taken from the U.N. General Assembly Resolution and are read by the Cameroun Government as implying that sovereignty over the Southern Cameroons should be vested in the Cameroun Republic on October 1 and that a federal constitution should be worked out afterwards. The Southern Cameroons’ view is that it has always been recognized that the association between the two territories would be a federal one and that it was on this basis that the people of the Southern Cameroons elected to join Cameroun. They think that, on October 1, they should transfer their sovereign powers to an organisation representing the future federation, rather than to the Cameroun Republic itself.

3. The problem is quite a complicated one, from a legal point of view, and no doubt it is possible to hold different views about it. But, from a preliminary examination, the deputy Legal Adviser thinks that the Southern Cameroons have quite a strong case. At the end of 1960 President Ahidjo of Cameroun, and Prime Minister Foncha of the Southern Cameroons, subscribed to communiqués which emphasised that a federal state would be created and requested that “immediately after the plebiscite and in the event of the people voting in favour of unification with the Cameroun Republic, a Conference should be held attended by representatives of the Cameroun Republic and the Southern and Northern Cameroons ... (which) ... would have as its aim the fixing of time-limits and conditions of transfer of sovereign powers to an organization representing the future federation”. These communiqués were endorsed in a Note from the Cameroun Ministry of Foreign Affairs, dated December 24, 1960, and were published in the Southern Cameroons before the plebiscite. It could be argued that the reference to the transfer of powers “to an organisation representing the future federation” is no longer valid, since the Northern Cameroons elected to join Nigeria and the proposed Conference was never held. But President Ahidjo hardly seems justified in ignoring this engagement altogether. In our message to Foncha and Ahidjo (Flag E) we were very tentative in our reference to the proposal that a provisional federal organ should be established on October 1st. We are as anxious as the French that the Southern Cameroons should join the Cameroun Republic effectively on that date. But it could be argued that we have a responsibility to the

Southern Cameroons to see that, before we relinquish our trusteeship, there is provision for carrying out the engagements to which the two leaders subscribed before the plebiscite.

4. We very much hope that Foncha and Ahidjo would eventually reach agreement on this question and save us the embarrassment of taking a definite line on it ourselves. We have no intention of making things difficult for the Cameroun Government, so long as they can carry the Southern Cameroons authorities with them. But it would be difficult for us to approach the matter in the same black-and-white way as the French and the Camerounians. Apart from the legal difficulties there is the question of what sort of tactics are likely to have the best effect on Foncha. We are afraid that, if he is pressed too hard, opposition from certain circles in the Southern Cameroons might prevent federation from taking place at all. This is a matter of guesswork and the French may be right that we should not give Southern Cameroons authorities too much rein. But we feel it would be a mistake to give them none at all.

5. The Permanent Under-Secretary may care to speak to M. Chauvel on the lines of the above. The whole background to the matter is set out very clearly in paragraphs 60 to 82 of the report of the U.N. Plebiscite Commissioner and in Annex 14 to that report.

I am sending a copy of this minute to Mr. Hadow in Paris, since I gather that M. Gorse is due to receive Sir P. Dixon tomorrow.

E. B. BOOTHBY

The Permanent Under-Secretary

July 4, 1961.

Observation

It has since been the speculation that it was at this meeting between Monsieur Gorse and Sir P. Dixon that H.M.G. offered the Southern Cameroons to France as, in President Charles de Gaulle's words, "un petit cadeau de la reine d'Angleterre".

Mr. Emanuel 1/8 [1961]

Parliamentary Under-Secretary of State

DRAFT

SOUTHERN CAMEROONS

I am very glad that the House is taking this opportunity to discuss the question of the Southern Cameroons. In 2 months time our responsibility for a territory with which we have been associated for some 40 years will come to an end. It is fitting, therefore, that the House should reflect on the circumstances which will accompany the termination of our responsibility, which is that of an authority administering a United Nations trust.

2. The main facts are, of course, now well-known. Following earnest and careful consideration in the United Nations of the future of the territory in the light of the independence, on 1st October, 1960, of Nigeria in which the Southern Cameroons was administered as an integral part, the U.N. decided that the people themselves should be asked to decide their own future. Various possibilities were examined and the U.N. came to the conclusion that the two real choices before the people were whether they wished to join Nigeria or whether they wished to join the neighbouring independent Cameroun Republic. In the plebiscite [Pages 2 to 6 lost] ... to leave. We believe that there is useful work for them still to do. But the decision whether to leave must be one for the people concerned themselves to take. We understand that as a precaution a number of expatriates have already arranged for their wives and children to leave. Others may decide between now and the 1st October to do likewise. We are looking into the need for transport facilities, so that those who wish to do so are able to leave by 1st October. I would emphasise that this is not in any sense an evacuation, but clearly H.M.G. has an obligation to ensure that those who wish to leave are in fact able to do so.

12. I should like in conclusion to be able to say that I am confident that all will be well after 1st October. I must, however, be frank with the House and say that I do have anxieties. It is not an easy matter for a small country to embark upon a course which involves a radical change in its whole structure. There are bound to be difficulties, and I do not believe the leaders of the Cameroons' people shut their eyes to the difficulties. But they have chosen the way they wish to go and they are facing their future with a commendable spirit of optimism. Let us not from the wings, so to

speaking, at this late stage endeavour to dampen their enthusiasm. Their future is their concern; we must take leave of them, wishing them all success in the future.

SECRET

FROM SOUTHERN CAMEROONS (Commissioner)

Cypher (O. T. P.)

D. 26th June, 1961.

R. 26th June, 1961 17.30 hrs.

IMMEDIATE

SECRET AND PERSONAL

PERSONAL NO. 42.

Addressed to S. of S.

Repeated to Lagos, Personal No. 18.

Repeated to Yaounde, Personal No. 21.

Repeated to New York, No. 13.

Repeated to Foreign Office, No. 12.

Foncha and Ministers have studied constitutional proposals left here by Ahidjo last Sunday and have, in consultation with Smith, produced counter proposals which adhere very closely to the form of Federal constitution published by Foncha immediately prior to plebiscite, but law and order and internal defence being reserved to the States. Ministers other than Foncha and Muna were strongly opposed to Ahidjo's terms regarding responsibility for maintenance of law and order, entry of Cameroun Republic Security Forces into Southern Cameroons without sanction of Southern Cameroons Government, transfer of sovereignty and wide powers of the President.

2. Foncha and Muna gave way somewhat reluctantly to the views of other Ministers, having argued in favour of accepting the bulk of Ahidjo's proposals. Their attitude is illuminated by good information to the effect that, in private meeting after break-up of tripartite talks in Buea last Saturday, Ahidjo advised Foncha not to oppose Okala's juridical

interpretation of the United Nations resolution but to accept the transfer of sovereignty to him. According to report Ahidjo further argued that he could not open the door to constitutional change in Cameroun Republic, but proposed present Cameroun Government, suitably enlarged, should also become the Government of Federation on the 1st October. A new Government of Eastern Cameroun could be formed in due course. Ahidjo promised to reorganised his own Government leaving a place for Foncha as Vice President and Muna as a Minister. He suggested this move would silence Ministerial opposition to Foncha in Southern Cameroons since Jua could be assured of Premiership of Southern Cameroons and other Ministers could hope to retain their portfolios. Foncha is believed to have accepted these proposals.

3. News of Ahidjo's secret deal with Foncha has leaked in Buea and we understand in Yaounde (latter probably deliberately) and OKP [One Cameroon Party] have got the story. OKP are strongly opposed to Ahidjo's plans to assume full powers over Southern Cameroons on 1st October, since they fear he would immediately seek to eliminate both ALNK [Armee de Liberation Nationale Kamerunaise] and OKP and it is reported that they intend to confront Foncha with the story during next week's Bamenda conference and demand his unequivocal denial. They also propose to mobilize the support of FONS and (gp. Omitted) all of whom they know to be strongly opposed to assumption of full powers by Ahidjo and the entry of Cameroun Republic Security Forces in Southern Cameroons.

4. Jua, Kemcha, Effiom, Bokwe, although holding the view described in paragraph 1 are so frightened of losing lucrative office that they might come round to supporting Foncha and Muna. However, the knowledge now in possession of OKP puts renewed complexion on things and we may expect, at least, fireworks in Bamenda and possibly a resolution enjoining Foncha to unify on previously announced terms or not at all. Conclusion will depend on the extent to which those opposed to any close association with the Republic are able, or willing, to oppose Foncha's double-dealing and to muster support of opposition and non-party representatives against him.

(Copy follows by bag.)

(Copies sent to Foreign Office for repetition to New York.)

Whitehall (Secret) (Cabinet) distribution.

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Commonwealth Relations Office - Mr. B.J. Greenhill
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Ministry of Defence - Mr. C.W. Wright

FROM FOREIGN OFFICE TO NEW YORK
(United Kingdom Mission to the United Nations)

Cypher/CTP and By Bag FOREIGN OFFICE AND
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No. 2444

June 27, 1961 D. 6.58. p.m. June 27, 1961

PRIORITY
CONFIDENTIAL

Addressed to U.K. Mission New York telegram No. 2444 of June 27,
Repeated for information to: U.K.H.C. Lagos,
Commissioner Southern Cameroons
(Secret and Personal), Buea
and Saving to: Paris No. 2460, Yaounde No. 73

Your telegram No. 1036.
Southern Cameroons.

You will now have seen our telegrams Nos. 44 and 45 to Buea (also to Yaounde). Ministers will be discussing again here on June 29 in the light of any reaction there may be from Ahidjo and Foncha. If you have any further comments before then we should welcome them.

2. We are sending you this week a background brief on the Cameroons for the Trusteeship Council, but cannot yet say how much it will be wise to tell. If, as we hope, meetings are still going on between Foncha and Ahidjo it would be inadvisable to give any warning in New York of potential deadlock, because to do so might lessen the chances of agreement and might be regarded by Ahidjo as a breach of confidence or manoeuvre to bring pressure on him. We realize the danger of appearing to hide a

situation which may result in an open breach between Foncha and Ahidjo or in Foncha taking the matter to the United Nations himself. But we hope you will be able to avoid saying too much, one way or the other, at this stage. You can of course refer to the action we have taken under paragraph 5 of the Assembly resolution and the fact that a first tripartite conference has taken place. Without being complacent you could say that the two parties are in touch with each other and that we hope they will reach agreement on the complicated questions which are at stake.

3. We shall telegraph further instructions before July 5.

FROM SOUTHERN CAMEROONS (Commissioner)

Cypher (O. T. P.)

D. 3rd July, 1961

R. 3rd July, 1961 16.20 hrs.

IMMEDIATE

CONFIDENTIAL

No. CC. 30

Addressed to S. of S.

Repeated to Yaounde, No. CC. 17

Repeated to Lagos No. CC. 18

Repeated to New York, No. 18.

Your telegram No. 97.

Suggest following points:

- (i) Continuous efforts have been made since December, 1959, by H.M. Ambassador, Yaounde, and local administration to get the parties to work out firm constitutional arrangements for joining.
- (ii) Prior to the plebiscite we were precluded from having any additional security forces, since in the event of vote for Nigeria, they would not have been required and to have trained them might have laid us open to accusation that we were prejudicing the outcome by removing one of the main objections to joining the Republic, namely aversion to Republic security forces operating in Southern Cameroons.

- (iii) After the Plebiscite, question of having security forces has been bedevilled by the failure of the parties to agree on responsibility for internal security. For this reason we can go no further than training current to the existing police force.
- (iv) Recent undertaking of H.M.G. to staff, together with Nigerian Government's willingness to extend secondment, gives good prospects of maintaining normal administration up to termination of trusteeship. In the absence of Aid Mission, retention of services of adequate members of U.K. staff thereafter depends on the successor government's willingness to retain the services of officers and to provide conditions that will induce them to stay.

SECRET AND PERSONAL

10th July, 1961.

My dear Christopher,

I enclose a copy of the record of the All-Party Conference that met at Bamenda from the 26th – 30th June to consider Foncha's constitutional proposals. You will note that in addition to the main political parties, the chiefs and native authorities were also represented. A notable absentee was Endeley who said he was indisposed. Beeley, a contract administrative officer who formerly served in Western Nigeria, acted as impartial chairman, and Smith, Attorney-General, was there to give legal advice.

The paper that Foncha tabled for discussion is attached to the record and is virtually the same as that on which he campaigned during the plebiscite. Since the conference drew up no specific conclusions, it is impossible to say what was agreed upon and what was not but it is clear from the record that discussion was on points of detail and that Foncha managed by implication to get his proposals endorsed in general terms. There is, however, an air of unreality about the whole business since the discussions proceeded more on the footing of deciding on an ideal constitution than to getting down to what was practicable and likely to be accepted by the Republic.

You will observed that Foncha consistently declined to reveal anything about his discussions with Ahidjo. He was, of course, to some extent in a difficulty over the agreement not to make public what went on at the

June tripartite talks, but those talks did not touch on details of the future constitution, other than questions of responsibility for defence and the transfer of sovereignty, and there is a great deal Foncha could have said about the Republic's attitude if he had wanted to be honest. Instead, he deliberately suppressed it. He also suppressed everything in H.M.G's message to him, except about the withdrawal of the British forces, which I had announced for him.

There is no doubt that Foncha is playing a dishonest and dangerous game. He is leading the country to believe that unification will take place on the terms set out in his proposals when he knows very well, as is clear from his private conversations with me, that there is very little hope of those proposals being accepted by Ahidjo and that he is quite ready to accept Ahidjo's terms substantially as they stand. Up to the plebiscite, when his immediate objective was to get a vote for unification, he was reasonably honest. Now that he has got the vote, his main concern is his own position and I am pretty certain he will agree to whatever he thinks will be best for himself, regardless of what happens to anyone else in the Southern Cameroons. He realizes that his own proposals and Ahidjo's are irreconcilable and I asked him point blank the other day what he was going to do when he had to choose between them. He had nothing to say. My guess, for what it is worth, that he will once again blur the issue by saying that what he has agreed with Ahidjo is only a temporary expedient to enable unification to take place, that everything he has been promising the Southern Cameroons will be provided for in the final constitution when I is drawn up and that nobody need worry because he will be in Yaounde as vice-president to safeguard Southern Cameroons interests in the meantime.

Foncha is nevertheless, not altogether happy about his position. His refusal to reveal anything about his talks with Ahidjo is giving rise to suspicion that he is making a private deal. The fear of being "annexed" by the republic and of the Republic's army and police operating in the Southern Cameroons are now becoming an emotional issue among the ordinary people and when these things happen, as it seems virtually certain they will, there may well be a popular revulsion against Foncha. We have reason to believe that this is what the O.K. and U.P.C. are deliberately playing for. You will notice that at the Bamenda talks, the O.K. adopted a line of sweet reasonableness, posing as the watchdogs of fundamental human rights, civil liberties and democratic processes, and throwing a little bit of sugar to the chiefs. The last thing the U.P.C. want is that Ahidjo should obtain effective control of the Southern Cameroons and if Foncha does a

deal that virtually gives Ahidjo that, we must expect the U.P.C. to set themselves up at once as the only defenders of democracy against the “Ahidjo-Foncha French imperialist clique” and the A.L.N.K. as the heroic fighters for Southern Cameroons liberty. On this basis they might well get substantial support.

Foncha is due to see Ahidjo again this week. The main purpose of his visit this time is to get Ahidjo's support for a Southern Cameroons economic mission to tour the ‘capitals of Europe between now and October to get aid for various development projects after independence. I can't see Ahidjo being very enthusiastic about such a jaunt on the eve of unification, but one never can tell and if he doesn't shoot it down, I suppose I shall be writing to you about it before long. I've naturally thrown what cold water I can on the idea at this stage, especially as I believe Muna and Jua, who have been designated for this mission, also have the idea that they might ask for some military aid as well.

No doubt other matters will be talked about as well, but the next round of formal talks between Foncha and Ahidjo about the constitution are now due to take place at Foumban in the Republic from the 17th – 22nd July. In addition to three other Ministers, Foncha proposes to take with him six members of the K.N.D.P., four of the C.P.N.C., two of the O.K.P. and eighty chiefs. At least I have the satisfaction of having at least got the Opposition parties associated with the talks. They want to take Smith again as legal adviser, and John Dixon to keep the records. As far as I know the tripartite talks are still scheduled for July 31st.

My public announcement about the withdrawal of the British battalion on the termination of trusteeship was glumly received by everybody but is now accepted as inevitable. I had up the heads of the commercial firms and of the missions and put them in the picture as far as was necessary since they must obviously plan their arrangements and decide what they are going to do about the people for whom they are responsible. Most of them intend to get their women and children out before the 1st October but it looks as though most of the men will stay, at a rate for a while to see how things will develop. I still don't know what most of the people in the C.D.C. will do. As far as Government officers are concerned virtually all are relying on H.M.G.'s undertaking to see that there are adequate facilities to take them and their baggage out and on that assurance are prepared to stay for as long as they are required up to the 1st of October. At present, the officers seconded from Nigeria and those in the [word undecipherable] have no option to go in default of any agreement with

the Nigerian Government whereby they can stay [group of words lost] get any) to replace those who will leave. Until all this has been done, it is difficult to assess what the picture will be on the 1st of October and what the full extent of the passages problem will be. At present, it looks as though things will be a little better on the 1st of October than we feared they would be, though much will depend on how the situation develops over the last remaining weeks.

I enclose a spare copy of this letter for the Foreign Office, and have sent copies to Johnston in Yaounde and Hunt [U.K. High Commissioner] in Lagos.

Yours ever,

[Signed]
(J.O. Field).

C. G. Eastwood, C.M.G.
Colonial Office
London

Observation

J.O. Field spoke judgementally of Foncha's 'dishonesty'. But the conduct of the British Government, whose representative he was, throughout the Southern Cameroons saga was nothing but downright perfidy, dishonesty and treachery.

182 F. O. [words undecipherable] 6/7/61

183 F. O. w/coups 4/7/61

184 F. O. w/coups note from Fr. Ambassador to F.O. 5-7-61

Mr. Emanuel

You gave me on Friday the note which the French Ambassador had left at the Foreign Office which is at 184. This is a somewhat elephantine document in support of the thesis of President Ahidjo of which he had already been warned in the Ambassador's telegram at 179. Ahidjo is determined that on the 1st October the Southern Cameroons shall join the Cameroun Republic and that there is to be no nonsense about the Federation actually being arranged on that date, although they have not

repudiated the idea that a Federation will be established at an early date thereafter. I do not think we disagree very much with that thesis but the French have shored up Ahidjo's objection to a single sentence in paragraph 5 of our memorandum at 175 in which we "recall" the proposal that a provisional Federal Organ should be established on 1st October. If they had concentrated on the other half of that sentence which says "there may be other possibilities which could be explored" they might have saved themselves a certain amount of anxiety.

The question arises of what reply is to be sent to the French Ambassador, and this is now simplified by the telegram at 187 in which the Ambassador in Yaounde reports that the Cameroun Government have sent us a note in reply.

In any case I disagree with the latter part from Ewart-Biggs draft at 185 because it seems to contemplate too much the possibility that trusteeship might be extended and I think the French will regard us as wholly perfidious if we seem to be flying a kite of that kind. I suggest that we advise the Foreign Office to reply to the memorandum of the French Ambassador to the effect that we have been informed that the Cameroun Republic Government has replied to our memorandum of the 23rd June and that in considering what further action we shall need to take we will need to pay the most careful attention to the views expressed by the Ambassador. You thought that we ought also to say something to Mr. Foncha. It would be easier to know what to say to him if we had had some report of the latest movement of opinion etc., in the Southern Cameroons. I have however, put a draft opposite which we might consider sending to the Commissioner.

[Signed]

Mr. Burr

11th July, 1961.

185 Drafted by Ewart-Biggs F. O. - 7-7-61

1. (Eres Foncha's constitutional proposals)
2. To F. O. – E. B. Boothby - w/c(1) eres - 4.7.61
3. To C.R.O. – J. Chadwick - w/c (2) - 4.7.61

4. Copy of Ahidjo's Draft Constitution handed to Foncha

5. S. Cameroons – J. O. Field – in/eres - 10.7.61

(Eres copy of record of All-Party Conference at Bamenda – 26-30th June)

6. To F. O. – R. S. Faber - w/coups - 10.7.61

In (1) Mr. Field sent to us the draft of Constitution which the Attorney-General had polished up from a draft of Mr. Foncha's. This draft owed a great deal to the existing Nigerian Constitution and it was this draft which was considered by the All-Party Conference at Bamenda. There, various of the political representatives suggested different kinds of amendments to it. The Chiefs and the Native Authorities were not on the whole very active at the Bamenda Conference but Mr. Mbile on behalf of the C.P.N.C. and Mr. Ntumazah on behalf of the O.K. Party took quite an active part in discussing Foncha's draft. As Mr. Field indicates however this exercise was almost entirely shadow-boxing since Foncha had come from the Tripartite Talks at Buea and must have known pretty well that Ahidjo was not likely to listen very much to his ideas for a Constitution. The only thing to be said on Foncha's side is that his draft corresponds very much to what he campaigned on during the Plebiscite.

2. If we compare this with the draft Constitution which has been prepared by the Cameroun Republic, of which a copy is at (4), we shall see how wide is the gap between Foncha's ideas and those of President Ahidjo. I have for convenience (and it may perhaps be of use to Mr. Eastwood in Yaounde) prepared a note on that Constitution which I have put opposite. This is very far from a constitution [group of words lost] monarchy: it is almost a presidential dictatorship.

3. I have some sympathy with Mr. Foncha in declining to reveal what had gone on in Buea since the Cameroun Government side had refused to reach firm agreements on any specific points and had he reported this Mr. Foncha would well have been torn to bits at the Bamenda Conference. We have to remember that he is after all a politician. Mr. Field thinks that Foncha is playing "a dishonest and dangerous game" leading the country on to unification on terms which he knows it would not accept. This may well be true although if Foncha is really playing that sort of game one would have thought it was so dangerous that he himself would realise it. I wonder whether he is not suffering from some sort of schizophrenia in which he has one mind towards Ahidjo and another towards his local politicians.

4. Mr. Field fears that when the facts of Foncha's submission to Ahidjo come to light there will be a revulsion against him and I imagine a degree of demonstration and violence. When this happens I suspect that Ahidjo intends to summon all his strength, which though small should not be under-rated, and make as near a clean sweep in the Southern Cameroons as he can.

5. Mr. Field reports that Mr. Foncha is about to try to mount an Economic Mission to bring the begging bowl round to countries in Western Europe. I think it not impossible that Ahidjo might agree to this – he wants all the money he can get – but I cannot see many people throwing money into the bowl in the existing political setup.

6. Mr. Field remarks that they are trying to discover ways and means by which Southern Cameroons Ministers can keep expatriates who wish to stay (and evidently a few do) and how additional recruits can be obtained. It will be very useful for us to hear about this as soon as possible.

7. I doubt whether it is necessary to reply to Mr. Field since Mr. Eastwood is to go out next week and will no doubt see him.

[Signed]
(E. C. Burr)
Dictated 14/7 19th July, 1961

VERBATIM REPORT OF SPEECHES AT THE FOUMBAN CONSTITUTIONAL CONFERENCE, MONDAY 17TH TO FRIDAY 21ST JULY 1961.

HIS EXCELLENCY THE PRESIDENT OF CAMEROUN REPUBLIC
A. AHIDJO (declaring the Conference open):

“I am particularly happy to welcome you today on this corner of Cameroun soil which from so many points of view is dear to our hearts.

The BAMOUN, whose ruler, our friend, Sultan SEIDOU I want to thank most heartily for the way he has received us, is, in fact, par excellence, a region where people would like to meet as much for the hospitality of its inhabitants as for the serene atmosphere which reigns there.

We are certain that this atmosphere shall be favourable to our talks, for we have great need this day for profound wisdom in order to make of the reunification of our two territories an achievement that shall answer to the high hope that we ourselves and our people have nourished for many years.

In less than three months from now, the union between us shall be an accomplished fact, and we should prepare for it with the faith and the seriousness that such a task requires. We know that whatever may be our desire to sweep aside all obstacles, many technical difficulties remain to be overcome as we shall see as the work goes on. This is not to discourage us for already we know that solid constructions are never accomplished with a sweep of the hand, but it is essential that, whatever may have been the respective positions held before the Referendum, we approach all these questions with total goodwill, that we approach them with neither regret nor bitterness.

The majority have clearly taken their stand and there is no other thing to do today than to respect the will of the people by building for them a future within the framework that they have fixed. In a question of this nature there should be neither victor nor vanquished for our mission is not to defend personal positions, but to make the best of our experience and abilities to construct a reunified Cameroons that shall be organized and prosperous.

I appeal to all my fellow countrymen from across the Mungo that, whether they be of the majority or of the minority, whether they defended positions that were accepted or rejected during the plebiscite, I appeal to them to turn resolutely henceforward towards the future, with all sincerity. The Cameroons of tomorrow needs all its children, and none would be considered redundant who is prepared to participate loyally in the common task.

Gentlemen, the principal objective of this gathering is to study together the important outlines of our future Constitution. You know that even before the Referendum and since then during our talks with Mr. Foncha we chose a federal framework.

Why this formula? It was so because linguistic, administrative and economic differences do not permit us to envisage seriously and reasonably a state of the unitary and centralized type. It was because a confederal system on the other hand, being too loose, would not favour the close coming together and the intimate connection we desire.

A federal structure, therefore, would be the only one which suits our particular situation, for I want to emphasise here very strongly that it is not our purpose to build, in the absolute an idea State cut off from its roots, neither is it to prepare a constitution based on abstract theories.

We must look realities squarely in the face, without dissimulating in our eyes that which divides us in our daily life, in spite of the union of our hearts. These realities live us only a restricted margin in which to work if we wish that our institutions should answer to our needs.

Within this margin we are at liberty to choose this or that solution, this or that formula. We are here today to make that choice and I do not doubt that, in making it, we shall keep in view the general interest of our Fatherland.

In any case, I would not wish, and I hope you would share my feelings, that we should sacrifice too much to rhetoric and the taste for theorizing. Our experience, though still in its infancy, together with that of others, has proved to us that the texts we elaborate are insignificant when put side by side with the spirit that shall give them life, the spirit that shall animate us when we shall be applying them.

This spirit, I am sure, shall be the spirit of co-operation and brotherhood. We know that the outward march of nations is not without obstacles, not without frictions between the diverse parts that compose them. Even long-established states often show us this. There is no question, therefore, of pretending that difficulties shall never arise between us, yet it is not necessary nor even useful to envisage to elaborate a mechanism just to avoid it.

What we should attempt to do, is to construct a framework that shall permit us to give life to our national community, so that our daily existence should be dominated by a profound understanding.

We wish that this framework should be adapted to the necessities of a modern State that we want to realize. It should correspond to the exigencies of our economic development and our national union. But it should not, however, be cut off from its past. In the life of a country which is to go ahead there should be no brutal break with those institutions which constitute the very sources of its existence. A tree without roots soon dies. Our roots are the Cameroons people. We should take into consideration as must her aspirations towards progress and the future as

their attachment to those traditions which for centuries have provided the framework of their activities. To forget this would be to launch into a vain adventure. Every social group should raise up its own institutions, and in Africa, particularly, we know that the family and the group ruled by the Chief, are essential to our collective life. At the level of the great family that the Cameroons is, we cannot afford to neglect these permanent and fundamental facts. Our old traditional institutions have acquired their character of nobility, and I salute on this occasion the traditional rulers who are here to represent these institutions. However, I wish to enlighten that in the world in which we live today, nothing can be said to stand still. All institutions can only survive in this world by adapting themselves, otherwise they soon appear to be out of date and over privileged and are swept away. We should be able to find, and I am sure the (rest of the sentence lost).”

HONOURABLE J. N. FONCHA:

Your Excellency, Your Highnesses, Honourable Ministers, and Gentlemen, on behalf of the delegations from the Southern Cameroons and myself, I wish to respond to the address of His Excellency, President A. Ahidjo, in welcoming us in Foumban. We have all been longing to see this important town in the Republic of Cameroun because its people have very close dealings with the people of the Southern Cameroons. It is only of recent date that we realized that Foumban is on the side of Kamerun formerly under French Trusteeship.

It is important that at a Conference for the drawing up of a Constitution for unification we should remember those who have brought about this great event which is in the process of being fulfilled. It is true that all the tribes in the Republic of Cameroun have contributed in one way or the other in unification, but the people of Foumban have done it in a special way. They have never taken serious notice of the frontier restrictions, but have continued to move freely to the Southern Cameroons where they freely remain and build and marry. They thus have strong family ties on both sides, and it is a credit to Foumban that its girls and boys marry freely with other tribes. The Sultan of Foumban himself has taken a personal interest in unification by his visits and participation in the affairs of the people of the Southern Cameroons. It is, therefore, most befitting that this first important Conference should be held in Foumban. We congratulate the Sultan and his people for the warm reception accorded us.

The present Conference is an important one in the history of unification. For the first time after 44 years of separation and development under two different masters with different cultures, we, with our traditional rulers, have come together to consider the method of coming together once more. The desire to come together has overcome years of separation, and it is my hope that we can overcome all other obstacles that might present themselves in our task to produce a workable Constitution which will satisfy the wishes of the people who have voted for it. Not only are the whole Kamerun people looking up to us, but also other unfortunate divided people of the world are looking to us to lead the way. We should, therefore, be determined in the spirit of compromise to produce good results within the next few days.

In our previous discussions with His Excellency, President Ahidjo, we have kept in mind that in our desire to rebuild the Kamerun nation we must not, however, forget the existence of the two cultures. We have, therefore, proposed a form of government which will keep the two cultures in the areas where they now operate and to blend them in the centre. The centre is, therefore, deliberately given only very limited subjects, while the states are left to continue largely as they are now. The form of government is one thing while culture is another. While we will keep the form of government now envisaged, the foreign cultures will have to take care of themselves, and I hope, by the process of evolution, to be replaced by an indigenous one. Our main task is, therefore, to produce a Constitution for a federal form of government, taking into consideration the peculiar circumstances in which we have found ourselves.

It should be understood that however much we try, we cannot produce a perfect Constitution within the short time at our disposal. But we must be able to produce one which for our purposes is complete to bind the Kamerun nation on 1st October, and to serve as the basis for further improvement. In order that we must leave the Conference with something concrete, I appeal for the support of everybody present. The drawing up of this Constitution is a matter for Cameroonians themselves, and it will be foolish to look to anyone else for help. I therefore hope that we can find compromise by reasoning together.

Our communiqués produced before the plebiscite and used for the enlightenment campaigns set out in broad outline what we must do. These communiqués were fully explained and understood by the people who voted for joining the Republic of Cameroun. Our constitutional proposals have followed broadly the directions indicated therein, and it is my hope that they will be respected by both sides.

The negotiations for unification have been carried out in the most brotherly atmosphere, and the present one, just as important, should go the same way. The target for the Federation of Cameroon as a united state is very near. Our discussions should be focused on the important points which must be included in the Constitution to make it possible for the Federation to be born. I, therefore, on my part, seek the co-operation of everyone present at the Conference to forget the past, so that we may work as a united body for the achievement of a revived Kamerun nation."

DR. E. M. L. ENDELEY

Speaking on behalf of the Opposition in the House of Assembly of the Southern Cameroons, Dr. Endeley said that a constitution was an instrument for guiding the rights and privileges of the people. The making of a constitution was no the exclusive right of the Government of the day, but all parties should contribute their share and could thus be associated with the decision taken. He emphasized that the Opposition Members of the Southern Cameroons delegation had come with open minds and were prepared to work for the good of the Conference. He expressed his regret that the document containing the draft revision of the Cameroun Constitution had reached the delegation only this morning, and he, therefore, asked that time might be allowed for its study and for discussion by the delegates. He observed that the things which had divided the two parties of the Cameroons were not made by the people. He felt that with goodwill, sincerity and determination a satisfactory formula for the Conference could be found.

He urged, however, that too much haste should not be made in reaching a decision which would have far-reaching effects on the people of the Cameroons. He said that the delegates of the Southern Cameroons had come as a team and hoped to return as a team. He extended his gratitude to His Highness the Sultan of Foumban and his people for the welcome which they had accorded to the delegates. It was, he said, a pleasure to discuss Cameroons affairs on Cameroun soil. He felt that if conferences of this nature had been held earlier no difficulty would have arisen about drawing up a suitable Constitution for unification.

HIS EXCELLENCY PRESIDENT AHIDJO

In his speech adjourning the Conference until the 18th July, President Ahidjo thanked the Premier of the Southern Cameroons and Dr. Endeley for their speeches. He said that he fully understood Dr. Endeley's wish to have an opportunity to study the draft revision of the Cameroun Constitution.

He explained that he fully understood the importance of a constitution and agreed with the Hon. Foncha in that a constitution was something which would grow gradually and could be improved as time went on. There is, he explained, no perfect constitution, and the good will of the persons who apply the text of a constitution is more important than the text itself.

He wished to reassure Dr. Endeley that although the methods of elaborating a constitution may be different in the Republic of Cameroun and the Southern Cameroons the principles underlying the Constitution are nevertheless the same. He said that the people of the republic would have an opportunity to examine the Constitution and it would not, therefore, be a product solely of the President.

The Council adjourned at noon.

[Press Release No. 1467 of 20th July, 1961 of the Southern Cameroons Information Service wrote: "The Southern Cameroons delegation went into private conference to discuss the constitutional proposals of the President of the Cameroun Republic which were earlier circulated to the Conference. After this private conference, which was presided over by Premier Foncha, the Southern Cameroons delegation held private discussions with President Ahidjo before going into the general Conference to continue their discussions on the draft constitutional proposals. Meanwhile, the city of Foumban continues to be in jubilant mood, as the Conference delegates are entertained to cocktails and traditional dancing which go on till the early hours of the morning."

Press Release No. 1468 of 24th July, 1961 wrote: "The Constitutional Conference of Foumban, which opened on Monday, 17th July, 1961 continued its sessions until Friday, 21st July, 1961. Until Thursday evening, the Southern Cameroons Delegation continued the examination of the draft Federal Constitution submitted to them by the Cameroun Republic, and formulated a certain number of observations. These observations were carefully studied by the Cameroun Republic Delegation. On Friday, at 4.00 p.m., the two Delegations met in the Conference Hall in plenary session. The President of the Cameroun republic opened this session, and gave the floor to Premier Foncha, in order that he might enlarge upon the amendments and observations formulated by his Delegation."]

HIS EXCELLENCY PRESIDENT A. AHIDJO

I declare the session open. The floor is given to the Prime Minister of the Southern Cameroons.

THE HONOURABLE J. N. FONCHA

“Your Excellency, I wish to make just a few remarks on the proposals we made on the draft proposals submitted for the Southern Cameroons delegation. I do not wish to comment on all of the points we have presented to you, but it is my place just to say the spirit in which we make these recommendations. For three days we sat over the papers Your Excellency produced for us and we looked into all the clauses and we found many things quite agreeable to us and we found some, though agreeable, needed some little suggestion from us, and we did so. We had heated debates on some of the points and I can assure you that that stemmed from the fact that we wished to produce the best for our country. Our recommendation, therefore, has nothing inimical but something which we feel the future Federation of Cameroon will be proud of if we take the pains to reason well and put down just what is practicable.

I do not at this stage want to claim that we are perfect in our recommendation but I want to assure you that what we suggest is not far from being perfect if Your Excellency and your party will consider those points seriously and take them. I want to remark this: that the recommendations we make stem out of the brotherly feeling we have towards the Republic of Cameroun. We feel that we are building our house, and not building a house for anybody, and any suggestion that we make to strengthen that house you may be sure stems from our very best interest.

I must be frank and say that in my opinion we have done a greater part of the constitutional points which should be agreed upon if we all can agree upon the points so far produced. I envisage a further meeting, but the meeting will merely be to iron out the few words that are not understood either by you or by us and to add in some of the things which we might not have put properly. I have said that I do not want to make any comments on all that is put down here, but this general remark, then, will give the floor to Your Excellency also. But perhaps before Your Excellency speaks, it would be necessary for Dr. Endeley, Leader of the Opposition, to reaffirm some of the things which I have said with regard to the draft.”

DR. E. M. L. ENDELEY

“Mr. President, Honourable Ministers, Gentlemen, I have great pleasure in associating myself with my colleague, the Premier of the Southern Cameroons. I must say that in my last talk I said we were here with an open heart and to work as a team. We have succeeded in working as a

team in looking through the proposals which were placed by your Government before the Southern Cameroons Delegation. These were proposals which were the result of great thought by experts, legal experts, and, therefore, it took more time than we thought it would take. We do not presume that we have found the answer to the problems which will unify the two Cameroons, but we have given an indication of what we think and what we feel. All we request is that you should receive our proposals as an indication of our good intentions and goodwill for a union. It is like a young brother who is anxious to live with an elder brother. If the elder brother receives him very coldly and does not give him any encouragement he may feel very discouraged. Much of the desire for the people of the Southern Cameroons to unite with their brother will depend on the attitude of the Republic of Cameroun and the manner in which they treat these proposals.

I am happy for one thing, and for this I have again to thank the Sultan of Foumban and his people that we have been able to continue our discussions in very good humour and under a very happy atmosphere. We do not feel that we are in a strange country at all. And this, I think, we owe to the friendliness and the peaceful atmosphere of Foumban. In the midst of work we have been able to relax.

Finally, Mr. President, I would wish to say one thing, and this I would try to convey through you. This is to our brothers who have gone wild in the bush. If I, as Opposition Leader, and my colleagues can reconcile with Mr. Foncha, I cannot see why those who are the Opposition and have gone wild in the bush cannot reconcile with your Government. I have had great reason to feel that M. Foncha is an enemy to me and I would not work together with him, as the terrorists have felt against President Ahidjo. We have come to set an example, I have come to set an example, that by working together we can make a better country. If by this example which I have set with my colleagues we cannot produce a peaceful Cameroon, then we will be a laughing stock to the country.

Many people thought that this Conference would be a failure and that it would not work; as it is the first conference and it has succeeded, I am convinced that all other conferences after this will succeed. And, therefore, Mr. President I am appealing to those brothers who have gone wild to cease fire and co-operate with us and come back to help make Cameroons a peaceful country. We should not use our arms against our brothers, we should use them against our enemies.

Mr. President, I do not believe that what we have taken four days to answer you might find an answer to every clause that we have put before you. As my colleague, the Premier, said, we have only concentrated in dealing with the more urgent matters which would make union on 1st October possible. There are other matters which I think we can treat as secondary and which we can deal with later on.

Finally, Mr. President, on behalf of my colleagues, I am very grateful for the indulgence you have given us to look through your papers and your proposals at a time which was convenient to us. I pledge our loyalty and our determination to be at your service any time you wish, any time you think necessary for the betterment of the Southern Cameroons. Thank you very much.”

HIS EXCELLENCY PRESIDENT A. AHDJO
(Verbatim report as taken from oral translation)

“At the end of this historic meeting, I am called to make my final remarks on the proposed Constitution which was put before you.

After we had expressed the desire to reunite, the International Authorities decided to carry out a plebiscite in the Southern Cameroons to see whether that desire was in conformity with reality. The question put before the population of the Southern Cameroons was “Do you wish to become independent by joining the independent Republic of Cameroun?” To this question a vast majority of the population responded in the affirmative, and this it was incumbent on the Republic of Cameroun, which was already independent, to revise its Constitution in order to make possible this union with its brothers in the Southern Cameroons. During our last meetings, we decided that this union should be on a federal basis, and I should take account of particular conditions. We therefore drew up these proposals for a Draft Constitution in order to put before you what our point of view was with reference to that union.

The observations that the Prime Minister of the Southern Cameroons has just made and the amount of work that you have consecrated to the study of this project shows the great interest that you have taken in this matter of reunification. We therefore address to you our very sincere congratulations for what you have done.

We are very happy to see that in the chief outlines our views are very identical. What remains to be done now is to put in legal form what we have been able to do and that we propose to do by the end of the month in collaboration with the Prime Minister of the Southern Cameroons when we meet in Yaounde.

The amendments that you propose to this project can be grouped under two main heads. There are those which concern technical details and there are those which concern questions of form. With reference to the second head, the Delegation of the Republic is in agreement with your opinions. We agree that an Article of our Constitution should declare our adhesion to the principles of the United Nations and our respect for fundamental human rights. We esteem that this reference is sufficient.

In order to avoid certain confusions or misunderstandings that might arise from the use of the word 'indivisible', we agree that it should be suppressed.

With regard to citizenship, we think that the Federation can only give one nationality to its citizens, and, therefore, we say that the subjects of the Federated States are nationals of the Federation and possess Cameroons nationality.

We are agreed that a federal electoral law should be drawn up to regulate the conditions for the conduct of the vote and the exercise of the franchise. The Delegation of the Cameroun Republic adopts the greater part of the observations which have been formulated on this subject, and proposes, when the time comes, to take them seriously into account, within the federal framework.

The bi-camera system in a Federation is a classical form, but we consider that at the present and on account of the difficulties that we might encounter from the point of view of finance, for instance, that this would not be practicable at the present. After the experience of a certain period, then we shall see whether it will be necessary to create a Second Assembly.

The Delegation of the Republic of Cameroun is in agreement that, after the transitional period, the President and the Vice-President of the Republic should be elected by universal suffrage, and that both should not be subjects of the same State. With regard to the transitional period, we are agreed that the present President of the Republic of Cameroun should become the Federal President, and that the Prime Minister of the Southern Cameroons should exercise the functions of the Vice President. Since the President of the Cameroun Republic will become the President of the Federation now after 1st October, he shall nominate the Members of the Federal Government from among the citizens of the two States.

The Delegation of the Cameroun Republic proposed that the present Assemblies in the two sections of the country should elect from their members a provisional Federal Assembly. The Members of the Federal National Assembly can then be elected on universal suffrage after April, 1963, as you have proposed.

The Delegation of the Cameroun Republic agrees that the Southern Cameroons can keep its House of Chiefs, and they do not see any reason why this provision cannot enter into the context of the Constitution itself.

The Delegation of the Cameroun Republic is also in agreement that the number of Assembly members in the present Southern Cameroons House of Assembly should be brought up to 37. the Delegation also accepts the modification that you have made in Article 45, that the Speaker of the State Legislative Assembly shall forward to the President of the Republic every law passed by the Legislature within 21 days.

These are the questions, therefore, Gentlemen, on which I wanted to make a few definite observations, and the other details which are necessary shall, of course, be seen to when the proposals shall be put into proper form.

As I stated before, Gentlemen, the merit of a Constitution does not derive from its length, but from the spirit that animates those who are putting it into application – if those people are animated by real patriotism and are determined to work for the wellbeing of those for whom the Constitution has been drawn. Our Assembly shall fill in the voids which experience shall show us – the voids that we have not been able to see at present.

Gentlemen, I declare the Conference of Fommban closed.”

The Conference adjourned at 5.20 p.m.

HANSARD

Southern Cameroons 1 AUGUST 1961

Mr. G. M. Thomson: ... I rose because the Minister did not rise and it is for that reason I assume that you, Mr. Deputy-Speaker, called me.

As I was saying, I was anxious to raise with the Government the situation in the Southern Cameroons. As the House will know, this is a Territory for which we operate a trusteeship under the United Nations. The Southern Cameroons chose in a United Nations plebiscite on 11 February of this year to join with the Cameroun Republic, a former French Territory. The United Nations in its wisdom decided that in its wisdom that the union between the Southern Cameroons and the Cameroun Republic should take place on 1st October this year. This is a very short period indeed even in the most favourable circumstances but the circumstances here, as the Minister will agree, are in many ways anything but favourable.

The problem of uniting these two territories would in any event be difficult. They are two territories of completely different cultures, with different political systems, the one English-speaking and the other French-speaking in the language of its administration. There are extremely complex problems in bringing these two countries together within one national State. So far as I can discover, no serious work has been done on joining these countries and getting down to the hard problems of bringing them together. So far only a number of very general declarations have been made about the kind of framework that might be proposed. In these circumstances a potentially very dangerous situation has arisen.

I bring the matter before the House tonight for three reasons: first, out of concern for the safety of our own nationals in the Southern Cameroons and because I think the House is entitled to have a statement from the Government on this vitally important matter; secondly, out of a regard for the welfare of the inhabitants of the territory for which we have been responsible ever since the First World War and whose wishes we would like to see fulfilled so far as we possibly can; and, thirdly, because if anything goes wrong in the Southern Cameroons on and after 1st October – we pray that it will not – the British Government and the British people will get the blame for it. I therefore raise the matter because we in this House are concerned with the good name and reputation of the Government in administering this kind of trusteeship territory.

It may be suggested that I am painting an unusually gloomy picture of foreboding for the future of the Southern Cameroons. If that is so, I should like to produce evidence for expressing these views. I can conveniently do it from two sources – *The Times* and a letter which I received today from a correspondent in the Southern Cameroons.

In a recent issue *The Times* drew attention to the anxieties in the Cameroons. It said, among other things, that “When British rule in the Southern Cameroons ceases on October 1, a situation is likely to develop which

could be fraught with danger.” It went on to state that “Expatriate civil servants, of whom there are about 130 in the territory, are both to remain there after independence unless their safety can be assured. ... A proposed aid mission had to be shelved because there will be no civil servants to administer it.” That is a very serious situation indeed. It also states that: “weapons licences are being issued to the senior staff of commercial firms to enable them to defend their own estates. ... As a further precaution, the British Government plan to have a naval vessel in the vicinity for some weeks after October 1.” When *The Times* reports in these terms I think there is reasonable cause for anxiety.

I also have here a letter from the Southern Cameroons written by one of our citizens who has been there for some time. I do not wish to embarrass him by quoting his name, and I am not, of course, suggesting that all the things that he says would necessarily be found on investigation to be factually true, because he is an ordinary citizen who is simply giving his honest impressions of what he has been told by the authorities in the Southern Cameroons about what the situation is. The letter is dated 2nd July, and I ask the Minister to note what he says: “... the latest development is that the British Government have now decided to withdraw her interests from the territory completely – more or less in disgust and because of heavier and more crucial crisis in other parts of the world. At the same time the Nigerian Government has declared a similar policy ... and has declared further that with immediate effect from 30th September ... she will withdraw all her federal interests in the territory. Consequently, with effect from 1st October it seems that chaos will reign there. For in effect it means that from this date the 1st Battalion the Grenadier Guards leaves the territory aboard the troopship ‘Devonshire’ and on the same ship all Nigerian and British Government representatives leave the Cameroons. At a rough estimate there are some 150 Government officials here, and I is common knowledge that there are no more than 30 Cameroon officials capable of taking on such responsibilities. The Post Office will close down completely as this is completely run by the Nigerian Government, and also it is almost certain that the police force will do likewise, as some 70 per cent. of the local police force (which is the Nigerian Police Force) will be pulled out unless they personally opt to stay. This actually applies also to all the Government officials as well, but as the Southern Cameroons Government can, of course, offer them no security as regards pensions rights, etc., it is almost certain that there will be no such offers to stay.”

I do not know if these fears are necessarily wholly accurate, but these are the views which have been expressed by somebody there who is saying what has been reported to him by the authorities in the Southern

Cameroons. If there are exaggerations, then I ask the Minister to try to clear them up and say what exactly the situation is, because it certainly seems to be a very alarming one.

There are, of course, three problems involved here for the Government. There is, first, the problem of the form of government that is to succeed in the Cameroons – the kind of union that there is to be between the Southern Cameroons and the Cameroun Republic. Secondly, there is the serious problem of maintaining the administrative machinery of the country. Thirdly, there is the problem of security, of maintaining law and order and of protecting our own people there. I do not put these things in any order of priority.

First, then, is the question of the kind of government that is to be set up. There have been a number of statements from the Prime minister of the Southern Cameroons, Mr. Foncha, and the President of the Cameroun Republic that they have agreed in general terms that the best form of government would be a federation. There can be no doubt that given the difficulties facing the two countries with their different systems of administrations and their different languages, federation is the only practicable system, certainly in the interests of the inhabitants of the Southern Cameroons. But there is no sort of clarity as to how far this is a definite commitment on behalf of the Cameroun Republic, and I should be grateful if the Minister could tell us how far the Cameroun Republic is committed to a federal form of government.

I know that in the Republic many voices are being raised to express a very different and much more alarming point of view. If the House will bear with me while I talk French for one sentence, I understand that "*Le Premier Octobre on va saisir le Cameroun du Sud*" is a familiar slogan. I am wondering how far this is an official slogan of the Government of the Cameroun Republic, and what our Government are trying to do to ensure that there is a firm agreement in black and white that there should be a proper federal system which will allow the two territories to work out their future harmoniously and gradually. I think that the House deserves much more information than we have been able to obtain through repeated questioning by hon. Members on both sides.

Secondly, I come to the problem of maintaining the administration. It is now fully twelve months since I raised with the Government the question of the administrative machinery running down seriously. At the time, certain temporary measures were taken by means of seconding from the

newly independent Government of Nigeria and by means of taking on people on short-term contracts. Is it true, as is being said, that most of the expatriate civil servants in the Southern Cameroons have decided to withdraw on 1st October? If it is true, what is to be done to carry on their work?

According to the last Trusteeship Report which the Government made, out of 6,829 civil servants in the Southern Cameroons, 129 were British and 880 were other Africans apart from Cameroonians. I take it that they were mostly Nigerians. This means that 1,000 expatriates who, I take it, are the top civil servants in the Southern Cameroons, the people holding the key positions in the administration are by and large, to be withdrawn or are going to withdraw themselves on 1st October. This gives one an alarming picture of a kind of Congo chaos which may develop in this small country if adequate are not taken to fill the posts held by these people. A number of us want to know from the Government to night what steps are being taken to carry on the essential administration of the country during the period that the unification arrangements are being carried through.

Thirdly, one comes to the question of security. Here, of course, first and foremost one is dealing with the safety of our own people, men, women and children, in that country. According to the correspondent whom I quoted earlier, the women and children are already very largely, being evacuated from the territory, and arrangements are being made for those men staying behind to barricade themselves in the clubs and other communal buildings in the places where they live and to be ready to face a dangerous situation if it arises.

What are the arrangements which the Government are making to ensure the safety of our people there? The 1st October comes at the end of the rainy season in the Southern Cameroons. I am told that there are three methods by which we can get people out of the Southern Cameroons. One is by a road into Nigeria, the Kumba-Mamfe road and that is likely not to be in very good shape at that time of the year. The second method is by air from the airfield at Tiko which can deal only with light aircraft that can carry a relatively few people. Therefore, one comes to the question of evacuation by sea.

I have already read to the House the report from *The Times* saying that arrangements are being made to have a naval vessel in the vicinity. Can

we have some more information about this and a firm assurance that as far as our people are concerned the Government are taking all steps necessary to safeguard their lives?

Can we have some information from the Government concerning what they are doing about the maintenance of law and order after 1st October? There was a story in the *Daily Express* earlier this week in which its correspondent in the Southern Cameroons stated: "The Premier of the Southern Cameroons, Mr. Foncha, has appealed to Britain to let the troops stay when the British administrators move out." Indeed, I think that Mr. Foncha told the *Daily Express*: "My Government and business interests have appealed to Britain three times, but Britain has refused." Is this true? Can we be told what requests have been made to the British Government about maintaining law and order after 1st October and what sort of response has been made?

I must confess that the information which I receive is very disturbing. A number of hon. Members on both sides of the House have been pressing this matter on the Government by Questions in recent months. I have here a report from one of the Cameroon newspapers of 1st July giving a statement by our Commissioner in the Southern Cameroons who refers to the questions that we have been asking in the House about British troops staying on there and law and order being maintained. He says: "I have been advised that there has been no change in Her Majesty's Government policy in this respect and that it is definitely the intention of Her Majesty's Government to withdraw the British troops on 1st October."

I think that we are entitled to know whether that is irrevocably the Government's position, and, if it is, what are the alternatives? What are we going to do in this territory for which, in my view, we have a very strong moral responsibility, quite apart from our legal responsibilities?

Before I come to the suggestions I wish to put before the Government for dealing with the matter, it is only fair to try to measure up what the Government's responsibilities have been and how far they have fulfilled them. It is a pretty good story. The Government had ample warning of the difficulties which were mounting up in the Southern Cameroons. Month after month has gone and indeed year after year. We are now within a few weeks of 1st October and nothing effective has been done to ensure that this Territory, into which we have put much work, will have a reasonable chance of going forward into a prosperous and peaceful future.

The Government have been guilty of neglect in a number of different instances. They should have fought much harder than they did at the United Nations in the Trusteeship Council for a third choice being offered to the peoples of the Southern Cameroons when the plebiscite took place. The fact was that both the Prime Minister of the Southern Cameroons and the Leader of the Opposition there, though they had some differences between themselves, were anxious that there should be sufficient breathing space for the Southern Cameroons to negotiate with the Cameroun Republic proper arrangements for union and that they should not be suddenly forced into the kind of union which may well be thrust upon them without adequate preparation.

I appreciate the difficulties of our getting our way in the Trusteeship Council of the United Nations, but *it does not seem to me from reading the debates there and from what I have been able to gather that Her Majesty's Government made nearly a big enough to back up the elected leaders of the Southern Cameroons in facing up to this problem.*

The way we have behaved towards our own civil servants there cannot be described by any other word than disgraceful. They are devoted overseas civil servants who have worked a long time in the Southern Cameroons. They have done fine work there and are anxious to go on doing fine work, if they are given reasonable security about the future. When during recent months they have asked Her Majesty's Government what arrangements are to be made, they Government have had to shrug their shoulders and reply, "We cannot tell. We do not know. We cannot give you any information". Is it any wonder that against that background that these civil servants feel that they cannot possibly take the risks of going on beyond 1st October?

Then there is the way Government behaviour matches up to the commitments we have made. The Government have a very big Colonial Development Corporation investment there. There has been a certain amount of criticism from behind the Minister about the fact that in a country which, even if all goes well, will be a foreign country after 1st October the Colonial Development Corporation has been allowed to carry on with its very large investment programme indeed. It has an investment in the Cameroon Development Corporation which will rise to £3 million, if all goes well. We on this side welcome the suggestion that the Cameroon Development Corporation should be allowed to expand beyond the point of independence, but it is astonishing that a Government who decide to make this kind of large-scale investment of a quite novel sort, because it

is unique in the annals of the Colonial Development Corporation, should not take much more adequate steps than have been taken to safeguard the maintenance of the administration there and the future of law and order in the Territory.

Another matter which is vitally important to the Southern Cameroons is the pace of Africanisation of the public service. Progress has been dismally slow. This is vital for the carrying on of the administration as our own people come out. It is also vital for getting a harmonious feeling amongst the diverse elements in the country that the trusteeship power has done its best.

One of the reasons for some of the more violent political resentments in the Cameroons is the feeling that the Africanisation of the public service has not gone ahead nearly fast enough. This feeling is there on the French as well as the British side of the border. If one looks at the figures in our report to the Trusteeship Council, it will be seen that in 1955 expatriate civil servants formed 30 per cent. of the public service – presumably the top 30 per cent. – and in 1959 they still formed 28 per cent. A drop of 2 per cent. during those four critical years when everyone knew that this situation was coming was a miserable rate of progress and does not reflect well on the kind of drive which the Government put behind this important aspect of their policy.

One is bound to come to the conclusion that the Government have failed to take the problem of the Southern Cameroons sufficiently seriously. I admit that they have had many other important problems to tackle, but it is tragic that they have not paid more attention to ensuring that this situation could not arise in this trusteeship territory.

One comes down to the question of what one can try to do to save this situation. I put this proposal first and foremost to the Minister. I suggest that even at this late stage the Government should send to the talks which are to be resumed in a day or so between the Cameroun republic, the Southern Cameroons and Her Majesty's Government, not a civil servant, but a Minister. I do not know whether it ought to be the Minister now on the Front Bench opposite, or a Minister from the Foreign Office, but the situation demands the personal attention of a Government Minister to make sure that the necessary sense of urgency is given to trying to make arrangements between the Cameroun Republic and the territory of the Southern Cameroons.

Secondly, I suggest that the Minister who goes to the talks should seek to obtain the consent of the Government of the Cameroun Republic to an urgent approach to the United Nations to gain some sort of breathing space for dealing with the problems which I have been describing. The difficulties here are immense, but the scale of the tragedy which might ensue is so great that emergency action is justified. As I understand United Nations arrangements, this is a matter for the General Assembly. It is possible that an emergency session of the General Assembly will be called in any case over the Bizerta situation, and perhaps we could appeal to that for a decision which would give more breathing space.

If that is no possible the ordinary meeting of the General Assembly takes place in September – before the final date of 1st October – and I think it is necessary that we should try to get a decision then. I agree that our responsibility is to the United Nations – I will have a word to say about that in a moment – and it is necessary to gain their consent to any effective proposals to meet this situation.

Looking at this problem, I feel more and more convinced that the United Nations needs some sort of permanent expeditionary force which could be drafted at short notice to deal with this kind of situation in this kind of place. Clearly, it would be very much better if our military commitment in terms of maintaining law and order and could be taken by a military force responsible to the United Nations. I recommend that the Government try to get this proposal accepted by the United Nations. Failing that, cannot we persuade the United Nations to give us, as the trusteeship power, the right to stay there to maintain law and order while the processes of independence initiated by the Trusteeship Council are carried through?

The advantages of a United Nations force are obvious. One of the reasons for the political violence in both territories of the Cameroons is the strong objection to the military forces of ourselves and the French. It would help to take the edge out off that kind of opposition if the forces which maintained law and order were genuine United Nations forces. I think it important that law and order should be maintained and life safeguarded, and the possibility of peaceful progress preserved.

It is also desperately important that some arrangements be made about giving technical assistance to the Cameroons and emergency help in maintaining the administration there. That should be put to the United Nations by the Government. I yield to no one in m appreciation of the

importance of the United Nations. I believe that in a real sense the United Nations is the hope of the world. But my regard is this side of idolatry, especially after reading the reports of the debates of the Trusteeship Council.

A failure by the United Nations to avoid chaos in a country like the Cameroons does not seem to me to absolve this country from doing something about it. Article 4 of the original trusteeship agreement between this country and the United Nations says that the administering authority shall be responsible (a) for the peace, order and good government and defence of the territory and (b) for ensuring that it shall play its part in the maintenance of international peace and security. *I cannot imagine anything more likely to cause a disturbance to international peace and security or less likely to bring peace, order and good government to the territory than the sudden creation of the kind of vacuum which will confront us unless something is done urgently.*

I believe that this country has a good record of giving independence to Colonial Territories and we have a good record in terms of our trusteeship responsibilities to the United Nations as has been shown clearly in the case of Tanganyika. I hope that even at this late stage something will be done to allow this country to maintain the record which it has enjoyed hitherto.

I suppose that the optimistic view to take in this situation amidst all the gloom which I have been expressing, is that in the Cameroons we may be able to get the kind of satisfactory results which we have been unable to get in difficult circumstances in Somaliland. But in Somaliland the Government did a number of things which apparently they have not been able to do so far, at any rate, in the Cameroons. Before the point of independence in Somaliland they were able to prepare a proper compensation agreement for the civil servants who knew where they stood, and to make arrangements for a substantial number of them to stay on for a time to make sure that the take-over took place as smoothly as possible. They were able to give the new Government financial assistance to the scale of £1,500,000 for the coming five years with the promise of more in the light of circumstances. I think it desperately important that we should do something of the kind for the Cameroons and I hope that the Minister will tell us that some of these things are in hand.

Despite the tremendous difficulties in both the Cameroun republic and in the Southern Cameroons the possibilities through bringing about a union between these two territories are considerable, not only for themselves

but for the kind of example which they can set for other African territories in the future. If it is possible to bring about a peaceful and progressive union between the French-speaking and English-speaking territories, the old arbitrary boundaries of the nineteenth century pro-Consuls would be wiped out and we could get new countries established in Africa which would take better account of the feelings of African nationalism. This is a very late stage at which to try to do the right thing in the Cameroons. In a sense this is the eleventh hour. But I wish to say to the Government that although they have delayed so long and neglected so many things, they should act even more, before it is too late.

a.m.

The Under-Secretary of State for the Colonies (Mr. Hugh Fraser):

With the leave of the House, I should like to address it again. We all owe a debt to the hon. Member for Dundee, East (Mr. G. M. Thomson) for the extremely able way in which he has presented his case. It is suitable that the House should reflect on the circumstances which will accompany the termination of our responsibility as the authority administering a United Nations' trust for nearly forty years. It is vital to get the main facts clear.

Following the independence of Nigeria in which the Southern Cameroons was administered as an integral part, the United Nations decided that the people of the Southern Cameroons must reach a decision on their own future. The hon. Member raised the point whether the people of the Southern Cameroons should have been given a wider choice. The fact is that the United Nations decided that the choice was either to join Nigeria or to join the independent Cameroun Republic. That was the issue and in the plebiscite held on 11th February, 233,571 people voted to join the Cameroun Republic and 97,741 to join Nigeria. There was an overwhelming majority in favour of joining the Cameroun Republic.

The United Nations considered this result and reached the conclusion that the plebiscite was fair and properly carried out and that the people had freely expressed their wishes about their future. Consequently, the United Nations considered that the United Kingdom trusteeship over the Southern Cameroons should terminate, and the date for termination put forward and accepted by us was 1st October, 1961. The United Nations realized that there would be considerable problems in the union of the Cameroun Republic and the Southern Cameroons. The hon. Member has mentioned some of these undoubted problems – those of language, of law and of cultural traditions, which are quite different from those of the French.

But it was decided that this trusteeship, which had held for forty years, should terminate on 1st October 1961, when the Southern Cameroons would join the Cameroun Republic. This is a far more complicated question than that of simple independence; it is question both of granting independence and of creating a new unit from the Cameroun Republic and the Southern Cameroons. In the resolution passed by the United Nations, we as the administering authority were invited, together with the Governments of the Southern Cameroons and the Cameroun republic, to initiate discussions with a view to finalizing before 1st October the arrangements by which the agreed and declared policies of the parties concerned would be implemented.

Since this resolution was passed, there have been several discussions between Mr. Foncha, the Premier of the Southern Cameroons, and the President of the republic, Mr. Ahidjo. There have been further tripartite discussions between ourselves, the Cameroun Republic and the Southern Cameroons, and, as the hon. Member said, there will be a resumption of these talks this very weekend.

The hon. Member suggests that a Minister should go out from this country to take part in those talks. He further suggests that an approach should be made by Mr. Ahidjo – I assume that he would be the appropriate person, since, as the hon. Member said, the size of the Cameroun Republic compared with the size of the Southern Cameroons is as three to one – to suggest that there should be a breathing-space. It is not for me to suggest to Mr. Ahidjo what should be done in these matters, but, doubtless, he will see a report of the hon. Minister's suggestion. As regards the idea that a Minister should go out of this country, I think that it would probably be more appropriate at this stage that we should be represented through the normal channels, which in this case would be the Colonial Office and the Foreign Office. I think that that would be the best and most suitable way we can offer what is really technical assistance at this point.

Mr. G. M. Thomson: The hon. Gentleman has made the astonishing comment that it should be left to the happy chance that Mr. Ahidjo may read HANSARD and learn of the suggestion that an approach for a breathing space should be made to the United Nations. Are not we a party? Have not Her Majesty's Government, through their trusteeship, a direct interest in these tripartite negotiations for a future settlement? Is it not possible for our representative to put this proposal at the discussions and try to achieve a joint approach to the United Nations?

Mr. Fraser: I think the views expressed by the hon. Member this evening will be drawn to the attention of those concerned, but it would be rash for me to suggest at this stage that it would be possible to delay the process which has been set in motion. I have considered it, but I think that the United Nations has determined now that the change should take place on 1st October, and there may well be reasons within the Southern Cameroons why there should not be further delay.

It would be wrong for me to try to anticipate the detailed arrangements which we hope will result from these discussions which are about to take place. Inevitably, the negotiations for the unification for two countries which have been so long separated involve many practical problems, to some of which the hon. Gentleman drew attention. I can say that the discussions so far have been fruitful and that quite a large number of matters have been agreed. We hope that there will be further conclusions reached at the meeting which is about to take place.

Many of the questions to be settled are essentially matters which concern the other two parties and they have to decide on many points in the constitution and in the take-over of various functions which will fall to the new State. Our specific task between now and October is to do all we can to facilitate the joining of the two countries in accordance with the United Nations resolution.

The actual constitutional arrangements are essentially matters for the Cameroonians themselves. We know, however, that the two sides have clearly indicated their intention to establish a federation, which implies, of course, that they will within the federation maintain distinct identities. At this stage, while there is a French-speaking section and an English-speaking section of the new State, I believe that a federal solution is the best.

In the course of his speech, the hon. Member referred to the security situation after 1st October. It is no secret that the Cameroun Republic has had to face problems created by the existence of armed terrorists. Naturally, this must be a cause for alarm, or, at least, for fear, in the months ahead.

Up to 1st October our responsibility is to maintain, to the best of our ability, the conditions of law and order in the Southern Cameroons. This entails such measures as are necessary to protect the people from the threat from terrorists from across the border, who have tended to come across to seek safety from the forces of the Cameroun Republic. Our

military forces consist, as the hon. Member knows, of a battalion of the Grenadier Guards. They have maintained active patrols, and from time to time encounters have taken place with small groups of terrorists.

As, however, my right hon. Friend the Secretary of State has stated in this House, after 1st October our responsibility will cease and the British battalion will be withdrawn. This decision has been communicated both to the Government of the Southern Cameroons and to the Government of the Cameroun Republic, so that they can prepare their own measures for replacing the battalion.

Naturally, there must exist in the minds of British civilians who contemplate remaining in the Southern Cameroons after 1st October to carry on their normal activities anxieties about the security situation. We are well aware of those anxieties. The fact that those anxieties exist does not, however, alter the basic fact that Her Majesty's Government's responsibility for the Southern Cameroons must come to an end on 1st October. After that, British subjects living in the Southern Cameroons will be living in a foreign country. We must hope that as events unfold, the situation will not be as gloomy as the hon. Member made out. Clearly, Her Majesty's Government cannot be expected to forecast the state of affairs which will exist in a country for which we will cease to have a responsibility.

It would be wrong for me on this occasion to omit reference to the cooperation that we have had from the Government of Nigeria. The hon. Member did a slight dis-service when he talked of *the slowness of the localization and our failure to achieve a sufficiency of indigenous civil servants. This failure was partially because of the timetable, which was not within our own hands.* Certainly, tribute should be paid to the Nigerians for what they have done to help. Services which were previously federal Nigerian services have been continued, and will be continued, under agency agreements until such time as we can either make a permanent arrangement or the new federal State comes into being.

Arrangements are under discussion for the transfer to the Southern Cameroons of these services, which have been on an agency basis since Nigeria became independent in October. Among the most important of these services is the police, who come under the direct control of the Commissioner of the Southern Cameroons. As the hon. Member knows, many of the gazetted ranks are Nigerian, and negotiations are proceeding about what we can do with these men.

We also hope to make arrangements that will enable expatriate Civil Service officers in the direct employ of the Southern Cameroon Republic or seconded to that Government by Nigeria to stay on after 1st October if this is desired by the successor Government but it would be impossible to predict how many officers will, in fact, stay. This will depend on such matters as pay, and pensions and it is not unnatural that, in view of the uncertainty of the future, quite a number of expatriates whether in Government service or in commerce, may wish to leave. There is no question of Her Majesty's Government encouraging them to leave, because there is a great deal of useful work still to be done. The decision whether to leave or to stay is one which must be taken by the individual.

It is understood that, as a precaution, a number of expatriates have already sent their wives and children back to this country and others may decide between now and 1st October to do the same. We are looking into the need for transport facilities so that who wish to do so are able to leave by that date, whether by ship or by air. I emphasise that this is in no sense an emergency. ...

Note

Emphasis added. Hon. Thomson's voice was like that of someone crying in the wilderness. But the British Government consistently refused to listen to that voice of reason.

SOUTHERN CAMEROONS INFORMATION SERVICE, BUEA

Press Release No. 1486 4th August, 1961

YAOUNDE TRIPARTITE DISCUSSIONS ON
UNITED CAMEROONS TO BEGIN TOMORROW

The tripartite discussions on the constitutional future of a unified Cameroons will open in Yaounde tomorrow, the 5th August. The discussions are being held between representatives of the United Kingdom, the Cameroun republic and the Southern Cameroons Governments.

Meanwhile, the Southern Cameroons delegation, led by the Premier, Hon. J.N. Foncha, who are already in Yaounde, have been having private discussions with the Cameroun Republic delegation, led by President Ahidjo. The two delegations are reported to have discussed a document putting into legal form the Constitutional decisions arrived at during the recent Constitutional Conference held at Foumban on the future Federal Republic of Cameroun. At this Conference, it was agreed that the decisions taken should be put into legal form by legal draftsmen and that they should be looked into at a later date. The delegation of the Southern Cameroons spent yesterday studying this document.

Today's discussions between the delegations of the Southern Cameroons and the Cameroun Republic Governments are being held in the Conference room of the President's Palace. Those participating for the Southern Cameroons were the Premier, Hon. J.N. Foncha; the Minister of Finance, Commerce & Industries, Hon. S.T. Muna; the Minister of Social Services, Hon. A.N. Jua; the Minister of Natural Resources, Hon. P.M. Kemcha; the Attorney-General, Mr. B.G. Smith; the Director of Public Works, Mr. T. Ndumu; and the Secretary to the Premier, Mr. J. A. Kisob, who is also Secretary to the delegation.

The delegation of the Cameroun Republic, led by President Ahidjo, included Prime Minister Asale (sic), Foreign Minister Okala, Minister of Justice Mohamen Lamien (sic), and Secretary-General to the President Kouh Tobi.

When Premier Foncha and his party arrived at Yaounde on Wednesday by air from Tiko for the tripartite talks he was received on alighting from the aircraft by the Prime Minister of the Cameroun Republic, Mr. Asale (sic) Charles. After inspecting a guard of honour he was introduced to members of the Cameroun Republic Cabinet and other dignitaries, among them Foreign Minister Charles Okala, and the British Ambassador in Yaounde, Mr. King, and his first Secretary.

From the airport, premier Foncha, accompanied by Prime Minister Asale, drove to President Ahidjo's Palace where he was received by the President and other prominent people, among them the Cameroun Republic Ambassadors to the United Arab Republic, Liberia and the United States of America.

SOUTHERN CAMEROONS INFORMATION SERVICE, BUEA

Press Release No. 1487 5th August, 1961

PRESIDENT AHIDJO OPENS TRIPARTITE TALKS WITH SIX-POINT AGENDA

His Excellency the President of the Cameroun Republic, M. Ahmadou Ahidjo, opened the tripartite conference on the future unified Cameroun with a proposed six-point agenda. In his opening address to the conference delegates, the President welcomed them to Yaounde, capital of the Cameroun Republic. He said that the discussions would enable decisions to be reached as to the last stages needed to lift the mandate as far as the Southern Cameroons was concerned, in conformity with the results of the plebiscite undertaken last February under the auspices of the United Nations.

President Ahidjo recalled that at the last tripartite discussions held in Buea, a number of questions were left over for further study by the United Kingdom delegation in consultation with the government of Nigeria. He said that they would, with great pleasure, listen to the United Kingdom delegation in their reply on these various points. The president expressed the hope that a decision would be reached on these matters in order to facilitate the transfer of powers. He also hoped that the discussions would be conducted in a friendly and cooperative spirit, as this would be a sure guarantee of future cordial relations between a Unified Kamerun and Great Britain.

His Excellency then presented a six-point agenda to the Conference, as a basis for the discussions. These were:-

1. The situation and position of Cameroonians at present serving in the Armed Forces and the Police of Nigeria.
2. Services at present considered to be federal, such as Customs, Ports, Meteorological, Posts and Telegraphs, Federal Public Works, etc., and which are now under the authority of the Commissioner of the Southern Cameroons.
3. Civil servants and foreign agents actually serving in the ranks of the administrative service of the Southern Cameroons.
4. The Nigerian currency which is now legal tender in the Southern Cameroons.

5. National defence and security.

6. The procedure to be decided and adopted for the transfer of Sovereignty.

After the President's opening address, the Conference, which started yesterday, adjourned till today, the 5th August. Following the adjournment, the delegations of the Southern Cameroons and the Cameroun Republic continued their private discussions on the legal draft of the Constitution of the proposed Federal Kamerun Republic.

Observation

These discussions were not concluded on this occasion and were never ever concluded at any other time. We know from various statements by Southern Cameroons politicians in and out of the Southern Cameroons House of Assembly that these discussions were adjourned to be pursued at a later date. This never happened. And the British never weighed in to urge the finalization of the inconclusive discussions. The next thing the people of the Southern Cameroons knew was that Cameroun Republic had passed a law in its Assembly on 1st September 1961 claiming the Southern Cameroons as part of its territory and purporting to exercise constituent powers over it. The claimed decolonization process was thus never brought to completion. And the law passed by Cameroun Republic was clearly in the nature of an annexation law.

SOUTHERN CAMEROONS INFORMATION SERVICE, BUEA

Press Release No. 1559 28th September, 1961.

PROGRAMME OF INDEPENDENCE AND REUNIFICATION
CEREMONIES 29TH SEPTEMBER – 2ND OCTOBER

The following programme of Independence and Reunification Ceremonies 29th September – 2nd October has been issued from the Premier's Office.

Friday 29th September, 1961:

6.00 p.m. Reception at the Buea Mountain Hotel for His Honour by the Premier of Southern Cameroons (by invitation only).

9.00 p.m. State Banquet at Mountain Hotel for His Honour by the Government of Southern Cameroons (by invitation only).

Saturday 30th September, 1961:

2.45 p.m. His Honour the Commissioner of Cameroons departs from Bota Wharf.

Arrival of His Excellency the President-Designate at Tiko Airport
Received by notables.

6.00 p.m. Beating of Retreat at Tiko Airport.

8.00 p.m. Torch-light procession by Boy Scouts through Buea Town.
Private Diner at the Lodge.

10.30 p.m. Reception given by His Excellency the President-Designate at the Mountain Hotel

Sunday 1st October, 1961:

Midnight 21 gun salute. Sounding of Bells. Message to the Nation from His Excellency the President.

8.30 p.m. Hoisting of Federal Flag at the Golf Course. Address by Vice-President. Military

Ceremony. Award of decorations to the architects of reunification.

Departure of His Excellency the President of the Federal Republic of Cameroon

For Yaounde.

1.00 p.m. Luncheon Party at the Mountain Hotel by the Prime Minister of West Cameroon.

3.00 p.m. Ceremonial Session of both Houses of Assembly and Chiefs.
Swearing-in-Ceremony.

4.30 p.m. Inter State Football Match at Tiko Holtforth Field.

Monday 2nd October, 1961:

7.30 p.m. Variety Concert at Mountain Hotel by Sasse College Students.

There will be live broadcasts of the above ceremonies from the West Cameroon Broadcasting Station Buea which transmits on 7.290 KX on the 41 metre band.

OUTWARD TELEGRAM
FROM THE SECRETARY OF
STATE FOR THE COLONIES

TO SOUTHERN CAMEROONS (Commissioner)

En Clair WAF 443/1075/01

Sent 29th September 1961. 13.45 hrs.

PRIORITY

No. 147

Following for Premier.

As the period of our trusteeship comes to an end and your country takes its place with the Republic of Cameroun in the new Federation, I should like to send my very best wishes for the future to yourself and your countrymen. We look forward to maintaining with the Federation of Cameroon the happy ties of friendship which have linked us with the Southern Cameroons now for over forty years.

Copies sent to:

Foreign Office - Mr. Faber

Commonwealth Relations Office - Mr. R.C. Cox

STATEMENT TO THE PRESS BY THE PREMIER OF THE
SOUTHERN CAMEROONS HON. J. N. FONCHA ON THE EVE
OF UNIFICATION AND INDEPENDENCE

Gentlemen of the press it gives me particular pleasure to address you today just a few hours before my people of the Southern Cameroons achieve their independence. But it gives me more pleasure in that on the 1st of October my people not only achieve their independence but will also be united with their brothers of the Cameroun Republic with whom they have been divided through no fault of theirs for over forty years.

You all I am sure know the history of the Southern Cameroons and know the struggle we have put up in order to achieve our independence and

reunification. As from the first of October we shall become the State of the West Cameroon in the Federal Republic of Cameroon, a new 'nation to be born with the reunification of the two Cameroon.

I will like to make this clear that in this new nation there is nothing which the Southern Cameroons has lost and I can also say that we have nothing to fear in this union. The essential thing is that as brothers we have come together to build our nation.

We have made our new nation a Federation in order to be able to make place for our for our different ways of life - economically, politically, and otherwise – in which we have been brought up by our old masters the French and English. I can assure you all that my people of the Southern Cameroons, at least the greater majority of them are waiting eagerly for the birth of this new nation and know that the best awaits them there. There is no question of their regretting now or in the future the decision they took at last February's plebiscite to join their brothers of the Cameroun Republic. They are very happy about it. I can also say without the least doubt that the people of the Republic of Cameroun are also very happy that we decided to join them. They look on us as their brothers and there is no question of their feeling that we are a liability.

I will like to talk here about law and order in the Southern Cameroons after 1st October. I can tell you that everything is being taken care of and if anybody feels like creating trouble then he will be dealt with accordingly. Everything has been so arranged that when the British troops leave on the first of October there will be no security gap whatsoever. We have suitable units of the Federal Cameroon Republic Army, Gendarmeries to take care of the security position. We Cameroonians are not afraid of anything and all talk of bloodshed killing etc. on or after 1st October can be regarded as a means of [Rest of the press statement lost].

Extraordinary

Southern Cameroons Gazette
Published by Authority

No. 50 **BUEA – 30th September, 1961** Vol. 7

Southern Cameroons Notice No. 306

A PROCLAMATION BY THE QUEEN

A Proclamation signifying Her Majesty's agreement to the termination with respect to the Southern Cameroons of Trusteeship Agreement of 13th December, 1946.

Whereas by virtue of an Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946, We are the Administering Authority for the territory known as the Southern Cameroons and the responsibility for the administration of the said territory is vested in Our Government of the United Kingdom of Great Britain and Northern Ireland:

And whereas the General Assembly of the United Nations on the twenty-first day of April, 1961, resolved that the said Agreement should in agreement with the Administering Authority be terminated with respect to the Southern Cameroons on the first day of October, 1961, upon is joining the Republic of Cameroun:

Now, therefore, We do hereby, by and with the advice of Our Privy Council, proclaim and declare our agreement to the termination of the said Agreement with respect to the Southern Cameroons on the first day of October, 1961, and accordingly that Our said Government shall as from that date cease to be responsible for the administration of the Southern Cameroons.

Given at Our Court at Buckingham Palace, this twenty-fifth day of September, in the year of our Lord one thousand, nine hundred and sixty-one and in the tenth year of Our Reign.

GOD SAVE THE QUEEN

Speech by Outgoing Officer Administering Government Mr. Milne at a Private Dinner Party given by him on the Eve of the Birth of the New Federal Cameroon Republic Nation.

Mr. President, Premier, Your Excellencies, Ladies and Gentlemen,
It is a very great honour and a very special privilege, Mr. President to entertain you tonight on the eve of your translation to the office of President of the Federal Republic of Cameroon. Very soon, in less than

two hours time your great office will become greater still: your vast responsibilities will be increased by a million souls.

Tonight, as the clock strikes midnight, the Federal Republic of Cameroon will be born and you will assume office as Head of State.

Birth is always a solemn and awe inspiring event fraught with mystery touching upon the unknown principles of the universe. Tonight, we are deeply aware of the great event about to take place and the thoughts of the well wishers of the new Republic, whether here in the Southern Cameroons or elsewhere in the world, are with you Mr. President and the task ahead.

Inseparable from birth are the pangs and pains: for many of us here this is a painful occasion; our task is done, the Southern Cameroons emerges into nationhood and we go away leaving our friends behind.

I first came to Africa 23 years ago and I have worked in several countries and made many African friends but nowhere that my wife and I have been have we encountered such courtesy and friendliness and made so many true friends as here. Among members of the government and the opposition, in the public service and the territory at large are men and women for whom we have deep respect and affection and who we shall number as our friends for the rest of our lives but from whom we now must part. It is this parting Mr. President which is painful to us.

But our pain is made bearable by our supreme confidence in you personally Mr. President and in the members of your governments. We are confident that under your wise and able leadership the new nation born tonight will have a great destiny ahead of it.

Your Excellencies, Ladies and Gentlemen I ask you to join with me in drinking the health of Mr. President Ahidjo and, coupled with the President's name, the Federal Republic of Cameroon.

Observation

The source of this speech and of the others reproduced below is the maiden issue of News Bulletin No. 1 of 9th October, 1961, West Cameroon (formerly Southern Cameroons) Information Service Buea. In his note to this maiden issue the Information Officer, Mr. Thomas Abanda informed the readership that the Bulletin would be bi-weekly and would supplement the Press Releases of the Government of West Cameroon. Mr. Abanda

extended the following invitation to the general public. "Listen to our News Broadcasts and commentaries from West Cameroon Broadcasting Station transmitting from Buea on 7,290 KX in the 41 metre Band every morning from 6.45 to 7 a.m. and every evening from 7.15 to 7.30 p.m. daily. The Station is on the air every day from 6 a.m. – 8 a.m. and from 4 p.m. – 8 p.m; and on Sundays from 7 a.m. – 12 noon, and 4 p.m. – 8 p.m."

Her Majesty the Queen of Great Britain's Message to President Ahidjo on the Occasion of the Ending of United Kingdom Trusteeship over West Cameroon State (formerly Southern Cameroons)

"On the occasion of the ending of United Kingdom trusteeship in Southern Cameroons, I send your Excellency my sincere good wishes for the future of the united territories over which you now preside. I am glad that friendly cooperation between our two countries should have made it possible for the Southern Cameroons to attain independence in accordance with the results of the February plebiscite. I look forward to the continuation of our cordial relations in the future."

Message from Britain's Colonial Secretary Mr. I. Macleod to Vice President J.N. Foncha on the Occasion of the Ending of United Kingdom Trusteeship over West Cameroon State (formerly Southern Cameroons):

"As the period of our trusteeship comes to an end and your country takes its place with the Republic of Cameroun in the new Federation, I should like to send my best wishes for the future to yourself and your countrymen. We look forward to maintaining with the Federation of Cameroon the happy ties of friendship which have linked us with the Southern Cameroons now for over 40 years."

PRESIDENT OF FEDERAL CAMEROON REPUBLIC HIS EXCELLENCY A. AHIDJO'S MAIDEN SPEECH TO THE CAMEROON NATION

Men and Women of Cameroon,

After more than forty years of separation, we are, today, setting up again, one family, one Nation, one State.

May this happy day be a day of joy to all Cameroonians who believe in their country, who love their Fatherland. In less than two years, they have achieved the two essential objectives which they set for themselves: Independence and Reunification. May this Reunification of the national territory be the pledge and the symbol of the unity of our hearts and minds; such is my wish this day to all Cameroonians.

This unity, henceforth, does not depend on, foreign forces; it behoves us, therefore, to forge it ourselves in one patriotic up-surge. It is no longer the head-line of any party's programme; it is a profound determination which should remain ever present in the heart of everyone of the sons of this soil, whatever be the ideas they hold, whatever be their religion, whatever be their ethnic group. What sort, indeed, will be a union accompanied by divisions more deeply set than frontiers, a union accompanied by dissensions in which brother is pitted against brother, father against son?

I call upon all the healthy- forces of this country, the forces which feel, which know that you cannot build anything good in discord and hate. Whatever be their rank and status, Cameroonians should conduct themselves as children of the same family, whom disputes can sever for a time, but who can rise above all discord, to find again the ties that bind them together.

Whether you are charged with responsibilities of state, whether you are traditional rulers or public servants, whether you are tillers of the soil, workers in office or factory, whether you speak the same language or not, you are, all, and above all, Cameroonians, who, outside your country, are judged by your collective behaviour, and who shall answer before History for these first years that are about to be consecrated to the building of the Cameroon Nation.

In a callous world, where there is no end of strife, where weaker states, are submitted pitilessly to the yoke of servitude, it would be criminal and unpardonable to destroy foolishly the immense achievements, which, in circumstances often trying, we have been able to realise in only a few years.

Let those whose minds are not beclouded by passion or by childish, sordid cravings consider the ground that we have already covered, namely a sovereign state whose place is internationally recognised by the highest world organizations, a population making daily new progress in the field of knowledge, an elite invested with the highest responsibilities, an internal

structure continually reinforced: such are the main outlines of the position of 'which we justly are proud. Who, but a few years ago, would have hoped to attain such objectives in so short a lapse of time?

Indeed, we are not unmindful of the weaknesses which shall hamper the realization of a happier and more prosperous Cameroon. But these weaknesses, do they not reside essentially in the criminal absurdity of a group blinded by passion and envy?

How many times have we not called on them to look reality in the face, to rejoin without reserve the national community that is standing with open arms to welcome them? In spite of these renewed appeals, in spite of pardon accorded, some of them still remain obstinate in a hopeless struggle that is consuming energies, which, otherwise, should have been consecrated to the well-being and the betterment of their brothers.

On this solemn day, I call upon them once again to ponder over their action, to consider their personal future and the future of their Fatherland. On the one hand, they may intend to spread lamentation, misery, disorder and this without a chance of ever reaching the point where they can say they have lived a life worthy of men. If they persist in crime, in butchery, in pillage and violence, let them know that we, in turn, will be stern, let them know that we have a patrimony to defend, a patrimony bequeathed to us by our forefathers, and that we will defend it.

We have the means to do so; the vast majority of the country is behind us and shall not suffer them to have their base will; never shall they impose on a country which execrates the dictatorship that is their dream, or the anarchy which will reduce the Cameroon into a sorry state of chaos. If, on the other hand, they renounce their errors, if they open their eyes to reality, their Fatherland, Cameroon, shall welcome them with open arms and shall make room for them; for, today, as yesterday, the task before us is immense and demands the participation of everybody.

The people of Cameroon, numbering now more than 4 million persons, are forging for themselves a place in the world, they are establishing links with their other African brothers as well as with all freedom-loving Nations. They nourish the ambition to contribute a positive and important part to the creation of that African unity whose initial efforts look already very promising.

Bringing together, to-day, people of French and English expression, the Cameroon promises to be a very laboratory for an African union which shall assemble together States speaking these two languages. It shall constitute a bridge between these two Africas, and its role cannot but increase in African gatherings.

This new distinction, in the world of today, will enable the Cameroon to broaden its vision of international affairs, will enable it to pursue a policy of cooperation with every nation that shall accept its friendship and respect its independence and its ideology.

Thus, with the strength born of our two communities, we shall be able to achieve, for the benefit of Cameroon, for the benefit of the whole of Africa and of the world, the consolidation of a State which we wish should extend a welcoming hand to all, whether they be from here or from elsewhere, from Africa or from beyond the seas.

Many are the foreigners who have put faith in us; their presence is precious to us, not only for the development of our economy, but also for the strengthening of the friendship, which we intend to maintain between ourselves and other foreign countries. If their citizens find themselves with us, tomorrow, we shall protect their rights and their property, and they shall live among us in complete liberty, in an atmosphere of understanding and cordiality. We ask them, in turn, as is the rule in every independent State, to respect our sovereignty, we ask of them to forget the past, to forget conduct that is out of step today.

Thus, we shall create a community in which man, freed from the ancient curse, shall no longer be a wolf to man, a community in which we, everyone of us, shall be able to put our wills, our efforts and our activities together to make of Cameroon a country where it shall be good to live.

Cameroon men and women, may these words ever penetrate into the heart of everyone of you, you who, to-day, are citizens of the same State; let them also reach our brothers of Northern Cameroon who should have been with us today.

If they cannot share in our joy, they know we do not forget them and that they remain forever present right within our hearts.

Men and women of Cameroon, the year ONE of the Independent Reunified Cameroon opens today unto a future which we shall build

together. May this future bring to all of us the joys for which we yearn after a long and difficult stage; there can be no doubt that this will be so, if everyone of us cherishes in his heart the love of the Fatherland, if rising above all the diversities that too often separate us, we cherish the love of man.

LONG LIVE THE FEDERAL REPUBLIC
LOND LIVE CAMEROON!

INDEPENDENCE DAY SPEECH BY HON. J. N. FONCHA PRIME
MINISTER OF WEST CAMEROON AND VICE PRESIDENT OF
THE FEDERAL REPUBLIC OF CAMEROON

Cameroonians, today the Southern Cameroons is free, unification is achieved; part of the Cameroon nation is retrieved. Our country, the new Federal Republic of Cameroon now stretches from the Gulf of Guinea to the middle of the great Lake Chad. Let us thank God for His mercy in granting our request. In congratulating those of you who have made this rebirth of Cameroon possible, may I emphasise that I do remember the many sacrifices that you have in your own ways made to contribute to the achievement.

By the force of world events the peoples of this part of West Africa were brought together into a Nation. Our fathers resisted individually the German armed forces brought against them, but succumbed to it. The conquerors immediately undertook to organise the new country thus acquired. In 1885, the right of a protectorate was formally conceded to Germany by the world powers. In 1914, the world was plunged into a bitter war, and the Germans were in turn vanquished and removed from Cameroon. We soon found ourselves divided like booty, between the allied conquerors, the French having a larger part while the British were content with a small strip along the border of Nigeria. We soon found ourselves unable to move freely in all parts of, the Country which used to be ours. Fortunately the two conquerors had to keep their shares of Cameroon only' after signing agreements with the League of Nations and after World War II, with the United Nations. The British for one reason or another did not keep their own share as an entity, but divided it and administered as part of the provinces of their Protectorate of Nigeria. Gradually, and very diplomatically Britain made the United Nations after lengthy debates to recognise the forced division she called Northern and Southern

Cameroons. The means of Communication between the two sectors were practically non-existent.' The Northern sector thus cut off from contact with the South remained in the main undeveloped, while the Southern part benefited by its contacts with other progressive tribes of Nigeria and was able to build up in time the political consciousness which has led to unification. In 1960 the French sector of Cameroon was granted independence while the British divided sectors were kept on to undergo the ordeal of the plebiscite of 11th February, 1961.

Cameroonians, the story of Unification will be incomplete without a mention of the part played by the United Nations. While in many of its debates the member Nations are often divided, they were most united in assisting in the move for reunification. They were most tenacious and consistent in guarding against our being absorbed into the adjacent colonial territories. Even when some Cameroonians thought we should be so absorbed, they resisted until the people were prepared to speak for themselves. The periodic visits of the United Nations Missions have kept in our minds the idea of becoming a nation once more. Today this desire has materialized. Today West Cameroon has become a member Nation of the United Nations by the implication of Unification. We are proud to take our place on the same table already prepared by our brothers. It is appreciated that this is already done; for already a delegation of West Cameroon has met those of East Cameroon in New York for the forthcoming session of the United Nations which both will take part in the ceremonies of unfolding the New Federal Republic of Cameroon Flag. In thanking the United Nations for so assisting us to regain nationhood I wish to state that it is our policy, to strengthen this august body by supporting what is right and just, and by voting for all measures meant to bring about peace in the world.

By your decision on February 11th, you have made what at first looked impossible to many possible. Your decision has ended our long period of tutelage under Britain. This is the time, countrymen to prove your worth. We have learnt the hard way to achieve independence. We have overcome obstacles one after the other and have thus acquired the experience necessary to run our now Federation. 'We have been told that by our decisions we have brought two cultures together which cannot work. Some have told us to wait until we have become economically viable, but of course, nowhere in the world has economic viability ever been the yard stick for independence. We have been told that we could not produce a workable Constitution in view of the varying cultures, but with the goodwill and determination from those concerned one has been produced

at a record time indeed. We, your leaders have been undaunted in all steps we have so far taken and I believe we all can now take a bold stand to face the future with confidence. Therefore with confidence in ourselves, with cooperation, with patience and above all with the ability to give and take, I have no doubt that this experiment will work. We have put our hands to the plough, and we will plough ahead. Forward therefore to success, to greater progress, for the greater good of Cameroon should be our watchword.

Having thus, achieved independence and' unification we should start to think of the responsibilities it brings. Through our long struggles leading to this day we have shown the world that we are a responsible and peace loving people. From now onwards we should show the world this attribute of ours in greater measure.

Responsibility lies with us all. Those at the head have a greater measure of it, but all must learn to be responsible. It is the duty of those at the head to give clear directions as to what others must do or not do.

We cannot really be a responsible people unless we keep the peace. Peace comes by observing law and order. The observance of law and' order is what constitutes the government of a nation. I have chosen the village as the basis from which good government emanates. Village organisation should be such that everybody knows his or her responsibilities. The organisation of the villages and the maintenance of law and order is carried out through the Chief and his village council. Justice is dispensed through the native courts according to tribal customs, and through the magistrate courts according to modern laws. Order is heaven's first command, we are told. Order is maintained only when we obey the simple rules and laws that govern our daily movements. Democracy which we cherish as one of our heritage from Western Civilisation is a rule of law and order. Human beings feel free only when they stand by the laws of their land. All true democratic citizens contribute to the maintenance of law and order. Therefore, Cameroonians for the wellbeing of our hard won nation, I call upon all of you to be observers of law and order.

I am at pains to appeal to a faction of Cameroonians who have for one reason or another taken to the bush and have become a menace to the peace and security of the nation. Their first grievance was supposed to be against French Colonial regime. The French have since granted independence to their own side of Cameroon, The next grievance was the desire for unification. The British have now ended their Trusteeship

Agreement over Southern Cameroons. Unification is achieved. The remains of imperial influence will be removed when we reason together. Therefore the grievances as far as we know have been removed. Unconditional amnesty was declared after the independence of the Republic of Cameroun. Some have taken advantage of it and are now living side by side with their brothers at home. It, will be for the best interest of all if anyone a grievance comes out of the bush and makes a personal surrender. I appeal to them to think for themselves and come out and make a personal surrender and answer any charge that might have been preferred against them if they have killed any person.

I have stressed on the observance of law and order because it is the key to progress and happiness. To live the life of abundance we must work for what makes us happy. It is my policy that we can all agree to make economic viability one of the important responsibilities brought about by unification and independence. Our natural resources are great, and varied. Our land is vast and thinly populated. The soil in most parts is exceedingly rich. The varying climatic areas will grow crops of almost all zones of the world. The Governments of the Federation will be prepared to encourage those who wish to embark the development of our potential wealth. It is my hope that with the cooperation of all Cameroonians we can overcome our economic difficulties within the next decade. Cameroonians are given the first preference to pool their resources together in their various groups and enter into open field of development. Therefore, there should be no reason for idle hands. Foreign firms will continue to be given favourable conditions and suitable terms for capital investments and their businesses will be safeguarded.

On this great day we must not forget to appreciate the work of the Missionaries whose civilizing influence dates back to the days of the slave traders. In their quiet ways they have penetrated the vast tropical forests to establish mission stations, schools, hospitals and other institutions of social works. They have in their humble ways laid the foundation of even our political growth and maturity today. In the education development they have established a high reputation and will be encouraged to get ahead.

I should also address myself to Cameroonians abroad to inform them we are thinking of them and to wish them the joys of unification and independence. Many of them are employees or businessmen. Wherever they are, I have to advise them to continue to give devoted service wherever they may be employed. When they feel like coming home, there

will be room for them to establish a business or to continue the trade they have been doing. To Cameroons students I want to ask them to be now more than ever before devoted to their studies. We have now prepared the way for their service which is urgently needed. In spite of the great need, we will not recall them home before they have completed their studies. We need specialists and should advise to do more than the bare qualification required of them. Above all I wish to advise them to refrain from becoming political fanatics.

All energy should be devoted to economic development now that imperialists domination no more holds good to those who are bent upon the practical development of the economy of the new Federation.

The history of unification and independence will not be complete without mention of Nigeria in one way or the other. The Southern Cameroons was closely associated with Nigeria in all political discussions leading to independence. While there was no choice on both sides to avoid this contact, and while there has never been unanimous agreement among Cameroonians to remain part of Nigeria, the friendly relations between politicians of the Unificationist Camp with other leaders of Nigeria remained unshaken. Today I wish to confirm that friendship and to assure the Government and the people of Nigeria that it will continue, this time even beyond the Congo. Nigerian business men in the Federation of Cameroon are welcome. All we require of them is to be law abiding and they can be sure of making friends everywhere they may wish to establish. I can therefore on this day of the realisation of the wishes of Cameroonians, assure Nigerians of our good neighbourly relations. The establishment of embassies by both governments is a sure sign of the maintenance of this good neighbourly relation.

Today in our midst are Cameroon soldiers both from the Nigerian Army and from East Cameroun. It is a pleasure to see them standing by to maintain the peace of this much sought for Federation. I admire their patriotic spirit and ask them to be at home in any gathering of their people. The civilian population looks on to them to protect them from the menace of the faction now hiding in the bush. I call upon all to cooperate in removing this only obstacle which threatens the social and economic life of our hard won nation.

Now countrymen, we have waited a long time for this great day. We should as from today make every effort to change our hearts and ways to make the Federal Republic of Cameroon workable. We should, each one of us make

new determination. On my part, I will dedicate my services as the Vice-President of the Federation to justice and defence of everybody. I repeat, we should be devoted in working for the economic progress in order to make it possible for all Cameroonians to have something to do. We have, by choosing God as our guide surmounted difficulties one after the other to reach our desired objective. I am confident as you that by continuing to rely on God as our unfailing guide we shall succeed in all our endeavours.

May I now remind you of what I said earlier in this address that order is the first law in heaven. I end on this note. With law and order will come peace, with peace, progress which brings happiness for you, and for me.

May God bless and guide us all.
Long live the Federal Republic of Cameroon!

ADDRESS BY THE VICE PRESIDENT OF FEDERAL CAMEROON
REPUBLIC AND PRIME MINISTER OF WEST CAMEROON TO
THE MEMBERS OF THE HOUSE OF ASSEMBLY AND THE
HOUSE OF CHIEFS AT A JOINT CEREMONIAL MEETING AT
BUEA ON OCTOBER 1ST 1961.

The Fons and Chiefs, Honourable Members. This is a great moment to us all, a moment so pregnant with meaning, so psychologically and spiritually elevating. This day, this 1st October, 1961, shall for ever remain a great date in the history of our dear country. Today has seen our efforts to be a Nation fully rewarded, our endeavours crowned with success – our Lost Nationhood, Regained.

This great goal has been achieved through hard work by all our Natural Rulers, all our Leaders and, above all, all our people. We worked like a band of brothers all through the way to this goal. At certain stages on the way our Leaders did differ in their opinions and their views. Passions may have strained but our bonds of affection and our spirit of brotherhood were never broken. It is therefore meet for me to say that the thrills and joys of success, and the pride that we, as a people, are today Independent and our country Reunified, are for us ALL to share in full and equal measure.

Today is born the Federal Republic of Cameroon and you are the directors and architects of its affairs. Today we are starting with a clean state and what we write on it will be the measure by which the world will judge us.

I pray that we eschew Falsehood and stick to the gem of Truth in what we think and say and do. Let truth, honesty, and integrity be our guiding principles and the foundation on which we shall build the New State. May I send you as messengers of goodwill to our people, to bear to them tidings of the birth of the New Republic.

You our Fons and Chiefs hold in your hands a sacred Trust – to rule our people with Justice and Mercy. I have often heard our elders say that it is the duty of the ruler to respect the ruled and their dignity as human beings. Hon. Members, by giving respect to our people, we assure respect for the rulers and leaders.

This country is now ours and we have to see that peace, law and order reigns. We want to see our people walk about freely, with their heads up, by day or by night and without fear. The means of security are now fully available. Cameroonians hitherto in the Nigerian Army have not returned home to serve their country. They and those from east Cameroun are in quantity and quality troops enough to maintain law and order in our country.

There is therefore no cause to panic, no justification to be on nerves when thinking of national security. If we all are responsible, if we act in the interest of our country, if we in every way give assistance to security officers, the rumours now current regarding insecurity shall prove untrue.

I said a moment ago that this country is now ours. It is, and it is our duty, therefore, everyone of us, to build it into a strong, stable, respectable and prosperous nation. But this cannot be done when some of its citizens live in towns and work normally while others live in the depths of our Forests. The time has now come for our brothers and sisters in the Bush to come out and, working with us lawfully, join in the great task of national reconstruction. There is nothing to fear, nothing to hesitate about. It is my belief that the answer to their grievances does not lie in acts inhuman but in mutual understanding and discussion. We all love our country. There is no better way now for them to demonstrate their love for this country than to come out and be of service to it. This is a genuine call, the call not only of our country's Natural Rulers and our political leaders, but also the call of our people, our women folk, and our children too. Will they reject this call to our country's service, this call to enjoy peace, law, order and prosperity?

I wish to mention that the country appreciates the great part played by our womenfolk in our march to Independence and Unification. There is no doubt in my mind that they will give more of their service to build up

the nation they have now won as they did in the past. Their cooperation, kindness and forbearance during our struggle to achieve Unification shall be written in letters of gold on our tablets of history -

In their hands lies the most important function of the New State - the care of our children in our homes. It is my hope that their respect by and in society will increase and their participation in national activities encouraged.

The duty of our Youth to the state is to train, to learn hard and to work hard in order to prepare themselves for their future task of taking our places. They are the heirs to the heritage we are now building. They must come to take their places prepared and equipped. The country will create a favourable climate for them to train. The peasant in the village who tills the soil, the workers in the fields and in offices, the hunter, the fisherman, the builder, the business man - these are the true builders of our nation. It is for every one of them, everyone of us, to know he has an important part to play, and to work to increase production. The prosperity of our country depends on the labour output of every citizen. It cannot be otherwise. I appeal to everyone to put in his best efforts for whatever we produce is for the benefit of us all.

Hon. Members, our Republic is made up of many tribes, many dialects (call them languages if you will), two foreign languages and cultures superimposed on ours for two scores and two years. But all these, strong as they may be, have failed to tear us apart, have failed to destroy the Master-Spirit of our ONENESS. It is for us to encourage and improve this spirit, to think, to live and act as BROTHERS. Now is time for every one of us, from East or West Cameroon, to go to and settle in any part of the Republic. This, Hon. Members, is the prize of our struggle.

But there is more to it, Hon. Members. We have preserved the Cameroon Union, we have placed the name of Cameroon as one country on the map of the World and we have abolished a great wrong - the wrong against our people by those who tore up our country into two. A great task now lies ahead of us. It is the task of national reconstruction, of reconciliation, of setting order where there may now be confusion and conflict engendered by foreign ideas, and of directing the life of a Reunited Country into prosperous channels of goodwill and justice. This task will demand all our sincerity, all our wisdom, all our loyalty to TRUTH and the interest of our people.

It is my sincerest hope that, working with you all as a team I may, if it pleases God, be of some service in this work. It is our prayer, my hope and my belief that this great experiment we have undertaken and carried thus far shall never, never fail, and that the Federal Republic of Cameroon, democratic in its content, shall Long live in the interests of its citizens and to the glory of God.

Observation

Foncha's speech was more an expression of an excited politician in his hour of 'victory' and a mere expression of a wish than a reflection of the reality of the takeover of the Southern Cameroons by Cameroun Republic. While Foncha was making this excited speech there was no inkling of any excitement on the Cameroun Republic side. There Ahidjo, who already considered the Southern Cameroons in his pocket, was busy sulking over his failure to steal the Northern Cameroons as well.

Press release No. 1562 7th October, 1961

SOUTHERN CAMEROONS (WEST CAMEROON) ACHIEVES INDEPENDENCE BY JOINING CAMEROUN REPUBLIC TO FORM FEDERAL CAMEROON REPUBLIC – FORMS STATE OF WEST CAMEROON IN NEW FEDERAL CAMEROON REPUBLIC

On October first the State of West Cameroon (formerly Southern Cameroons Trust Territory) became free by joining the State of East Cameroon (formerly Cameroun Republic) to form a new nation "The Federal Cameroon Republic.

The birth of the new nation was heralded with 21 gunshots and ringing of bells at 12 midnight on September 30th. This was followed by a speech to the new nation by the President of the Federal Cameroon Republic His Excellency A. Ahidjo (copy attached). Before that the then officer Administering the Government Mr. H. N. H. Milne had read a message from Britain's Colonial Secretary to Vice President the Hon. J. N. Foncha and Britain's Ambassador to the Republic His Excellency C. E. King had read a message from Her Majesty the Queen of Britain to the President of the Republic.

All this took place at a reception given by the President of the Republic to over 200 guests at the Mountain Hotel Buea. After the President's speech the National Anthem of the new Republic was played and this was followed by the opening of the dance floor by the President His Excellency Ahidjo partnered by the wife of the Vice President Mrs. A. Foncha, amidst clapping, cheers, jubilation and merriment.

Earlier, on the evening of the 30th September President Ahidjo had arrived the West Cameroon from Yaounde by air and was greeted at the airport by a large crowd and military guards of honour. Later at the airport President Ahidjo and Vice-president Foncha and other dignitaries watched the ceremony of lowering of the Union Jack on Cameroons soil for the last time after flying there for over forty years.

The morning of the first the ceremony of the hoisting of the flag of Federal Cameroons Republic took place all over West Cameroon.

Despite heavy rain in Buea the President and Vice President of the Republic watched the ceremonies. Later the Vice President Hon. Foncha made his first official speech to the Nation in his new capacity. This was followed by presentation of orders of merit to leading architects of unification among them Dr. D. G. Dibue, Director of Medical Services West Cameroons, Chief Mukete, Mr. Sam Moffor Government Chief Whip etc.

Later the same day the West Cameroon Houses of Assembly and Chiefs met jointly and was addressed by Vice President Foncha in his capacity as Prime Minister of West Cameroon.

On the night of the 29th the Vice President and Mrs. Foncha gave a reception for the outgoing Commissioner of the Cameroons and his wife followed by a state dinner given by the government of West Cameroons in honour of the outgoing Commissioner. At the dinner Vice President Foncha made a farewell speech.

On the morning of 29th Vice President had made an eve of Independence and Unification statement to the press.

Other celebrations included dancing, football matches etc. and there were celebrations throughout the West and East Cameroons.

SECRET

PRIORITY
SECRET

Following for Eastwood, Colonial Office, from Milne dated October 1.

Field and Mrs. Field embarked on H.M.S. Diana at 3.30 p.m. yesterday after a moving and impressive ceremony on Bota Wharf. Guard of honour was provided by Cameroun Republican Army and Grenadiers. Foncha and Ministers together with large numbers of prominent persons and personal friends of the Fields were present. Seldom can Ambas Bay have appeared more beautiful. There was brilliant sun, blue sea and cool breeze. Great sky capes over the partially obscured Cameroon Mountain provided magnificent backcloth and away to the west the summit of Fernando Po stood out above a girdle of cloud of unearthly beauty. Whatever the criticisms of our recent policy towards the Territory may be it cannot be denied that the departure of Her Majesty's Representative was a dignified occasion set in a scene of great splendour.

2. President Ahidjo's aircraft landed punctually at 5 p.m. He was welcome with guard of honour provided by Grenadiers and Cameroun Army. The President and his suite were accommodated in the Lodge. He had previously informed Foncha that it would not be appropriate for the latter to move in until his departure today. I gave dinner party at the Lodge for him and subsequently we adjourned to the Mountain Hotel where some two hundred guests had been invited to the reception given by the Lodge. Midnight [?grps. omitted] 21-gun salute. I read my own message to Foncha and King delivered Her Majesty's message. Ahidjo then broadcast to the nation.

3. The President appeared happy to accept his position as my guest until midnight and in fact expressed a preference to travel in Commissioner's car with the Union Jack flying not only from Tiko to Buea on arrival but also his own reception at 10.30. If the primary object of his visit was to divert limelight from Foncha this was successfully achieved.

4. Although there were large numbers at the airport and [grp. undec.] crowds on the route to Buea the traditional palm and lower decorations were conspicuously absent and there was little show of enthusiasm, the tone was one of silent acceptance rather than of welcome or jubilation. Probable reason for few traditional decorations was failure of the Government Party to carry out necessary organization.

5. My wife and I propose flying to Jos this morning and onwards to the United Kingdom October 4.

[Copies sent to Colonial Office.]

DISTRIBUTED TO:
W.C.A.D.

Observation

46 years of U.K. Government's inglorious stewardship in the Southern Cameroons thus came to an end with its conspiratorial slavery-like transfer of the people and their territory to a successor colonialist. The UK Government left behind nothing to write home about in terms of economic and social development. What it left behind was the betrayal of the trust of the people of the Southern Cameroons, and the transfer of sovereignty over the country to a successor colonialist.

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*"HERE IS AN ARCHIVAL TREASURE FOR SCHOLARS, POLITICIANS,
ACTIVISTS AND STUDENTS TO FEAST UPON, ON THE MAKING AND
UNMAKING OF COMMUNITIES BY UNEQUAL ENCOUNTERS..."*

- Francis B. Nyamnjoh, Professor of Social Anthropology,
University of Cape Town, South Africa

A remarkable feature of the collapse of the British Empire is that the British departed from almost every single one of their colonial territories invariably leaving behind a messy situation and an agenda of serious problems that in most cases still haunt those territories to this day. One such territory is the Southern British Cameroons. There, the British Government took the official view that the territory and its people were "expendable". It opposed, for selfish economic reasons, sovereign statehood for the territory, in clear violation of the UN Charter and the norm of self-determination. It transferred the Southern Cameroons to a new colonial overlord and hurriedly left the territory. The British Government's bad faith, duplicity, deception, wheeling and dealing, and betrayal of the people of the Southern Cameroons is incredible and defies good sense. Ample evidence of this is provided by the declassified documents in this book.

Among the material are treaties concluded by Britain with Southern Cameroons coastal Kings and Chiefs; and the boundary treaties of the Southern Cameroons, treaties defining the frontiers with Nigeria to the west and the frontier with Cameroun Republic to the east. The book contains documents that attest to the Southern Cameroons as a fully self-governing country, ready for sovereign statehood. These include debates in the Southern Cameroons House of Assembly; and the various Constitutions of the Southern Cameroons. The book also reproduces British declassified documents on the Southern Cameroons covering the three critical years from 1959 to 1961, documents which speak to the inglorious stewardship of Great Britain in the Southern Cameroons. This book removes lingering doubts in some quarters that the people of the Southern Cameroons were cheated of independence. Its contents are further evidence of their inalienable right and sacred duty to assert their independence. No one who reads this book can possibly be indifferent to the just struggle of the Southern Cameroons for sovereign statehood.

Carlson Anyangwe is an academic of many years standing. Professor of Laws. He is a member of the African Commission's Working Group of Experts on the Death Penalty in Africa. He continues to be actively involved in ongoing processes of reclamation and reassertion of the identity, territory and statehood of the former UN Trust Territory of British Southern Cameroons. He is currently Director of the School of Law and Research Champion, Walter Sisulu University, South Africa.



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